



## **Agenda**

### **Council Meeting**

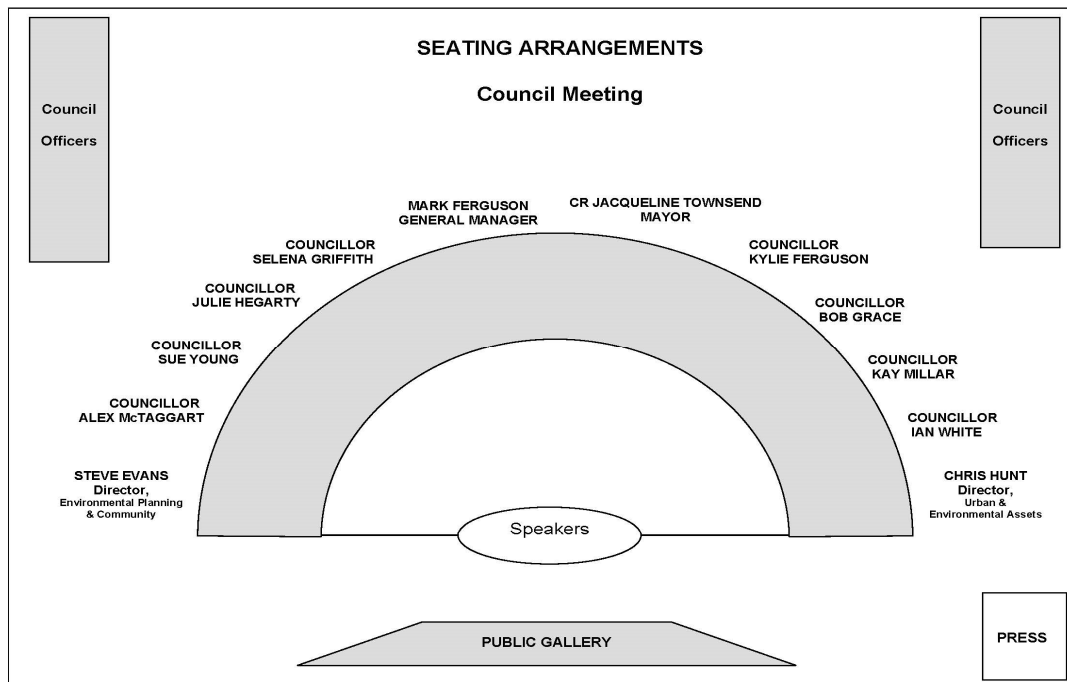
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

**20 April 2015**

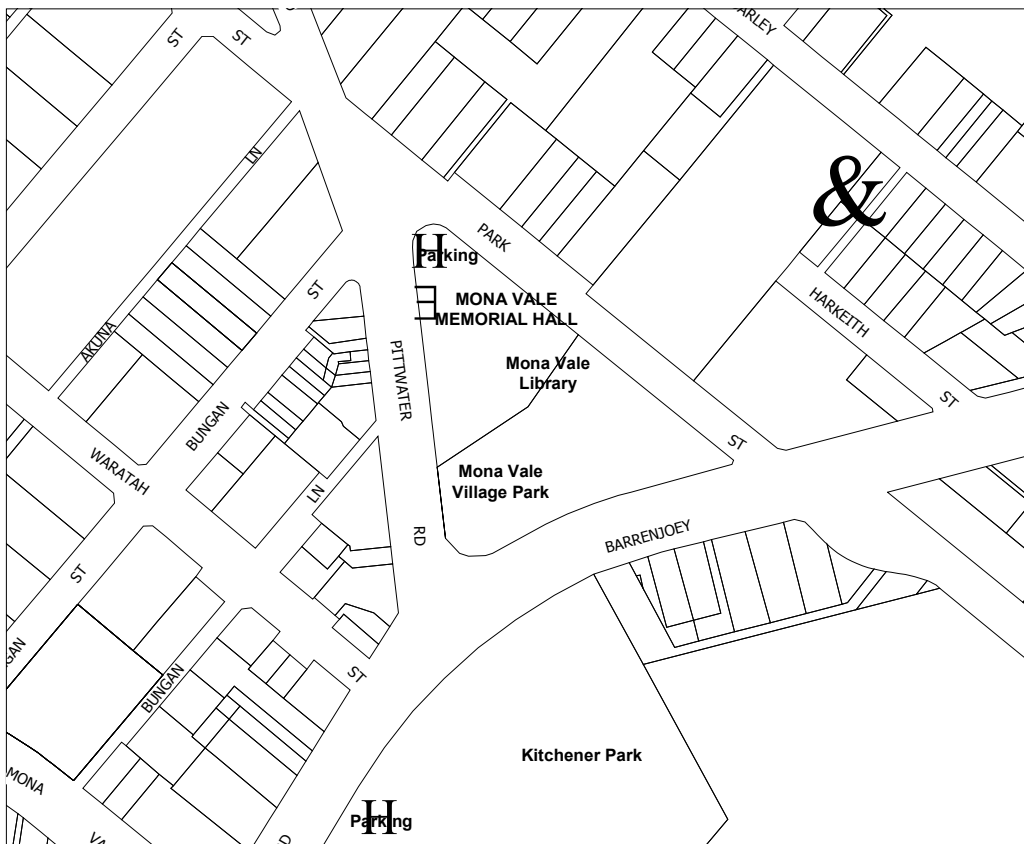
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson  
**GENERAL MANAGER**

## Seating Arrangements



## Meeting Location



All Pittwater Council's Agenda and Minutes are available on the Pittwater website at [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)

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## **Acknowledgement of Country**

**Pittwater Council honours and respects the spirits of the  
Guringai people.**

**Council acknowledges their traditional custodianship of  
the Pittwater area.**

## **Statement of Respect**

**Pittwater Council promotes and strives to achieve a climate of respect  
for all and endeavours to inspire in our community shared civic pride by  
valuing and protecting our unique environment, both natural and built,  
for current and future generations.**

**We, the elected members and staff of Pittwater Council, undertake to  
act with honesty and integrity, to conduct ourselves in a way that  
engenders trust and confidence in the decisions we make on behalf  
of the Pittwater Community.**

## IMPORTANT NOTE FOR COUNCILLORS

The Council has received Confidential Advice in relation to the matters listed below which is attached as **Appendix 1 to Councillor's Agenda on yellow paper**. It is important that Councillors read these documents prior to determining the matters. Should the Council wish to consider the Confidential Advice during the course of the meeting, the following procedure should be followed:

1. Any persons wishing to address the Council are invited to address the Council in Open Session, so that the general (non-confidential) issues relating to the matter are debated in Open Session.
2. Should the Council wish to consider the Confidential Advice at any time during the debate, the Council should resolve into Committee of the Whole in Closed Session in accordance with Section 10A(2)(d) of the Local Government Act 1993, and debate the Confidential Advice and any related issues in a Closed Forum, with the Press and Public excluded. The Council does not have to make any resolution whilst in Committee of the Whole in Closed Session.
3. Following conclusion of the Confidential discussion concerning the Confidential Advice the Council should resolve back into Open Session to continue the debate as required, excluding any reference to the Confidential Advice. Once again it is noted that the debate in Open Session should centre around the general (non-confidential) issues associated with the matter.
4. The Council should then determine the matter in Open Session.

The Reports on the items below are listed in Open Session in the Agenda:

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Mark Ferguson  
**GENERAL MANAGER**



# Council Meeting

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#### **CONFIDENTIAL CLAUSE**

This report is CONFIDENTIAL in accordance with Section 10A(2)(d) of the Local Government Act 1993, which permits the Council to close the meeting to the public for business relating to the following: -

- (d) *Commercial information of a confidential nature that would, if disclosed:-*
- *prejudice the commercial position of the person who supplied it; or*
  - *confer a commercial advantage on a competitor of the Council; or*
  - *reveal a trade secret.*

**Avalon Beach Bowling & Recreation Club, Bowling Green Lane,  
Avalon - Purchase of Green 3 by Council**

**The Senior Management Team  
has approved the inclusion of  
all reports in this agenda.**

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## Council Meeting

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### 1.0 Public Forum

#### GUIDELINES FOR RESIDENTS - PUBLIC FORUM

##### Objective

**The purpose of the Public Forum is to gain information or suggestions from the community on new and positive initiatives that Council can consider in order to better serve the Pittwater community.**

- The Public Forum is not a decision making forum for the Council;
- Residents should not use the Public Forum to raise routine matters or complaints. Such matters should be forwarded in writing to Council's Customer Service Centres at Mona Vale or Avalon where they will be responded to by appropriate Council Officers;
- There will be no debate or questions with, or by, Councillors during/following a resident submission;
- Council's general meeting procedures apply to Public Forums, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted;
- No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their submission will be immediately terminated by the Chair of the Meeting;
- Up to 20 minutes is allocated to the Public Forum;
- A maximum of 1 submission per person per meeting is permitted, with a maximum of 4 submissions in total per meeting;
- A maximum of 5 minutes is allocated to each submission;
- Public submissions will not be permitted in relation to the following matters:
  - Matters involving current dealings with Council (eg. development applications, contractual matters, tenders, legal matters, Council matters under investigation, etc);
  - Items on the current Council Meeting agenda;
- The subject matter of a submission is not to be repeated by a subsequent submission on the same topic by the same person within a 3 month period;
- Participants are not permitted to use Council's audio visual or computer equipment as part of their submission. However, photographs, documents etc may be circulated to Councillors as part of the submission;
- Any requests to participate in the Public Forum shall be lodged with Council staff by 12 noon on the day of the Council Meeting. To register a request for a submission, please contact Warwick Lawrence, phone 9970 1112.

Mark Ferguson  
**GENERAL MANAGER**

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## **2.0 Resident Questions**

### **RESIDENT QUESTION TIME**

#### **Objective**

**The purpose of Resident Question Time is to provide the community with a forum to ask questions of the elected Council on matters that concern or interest individual members of the community.**

The following guidelines apply to any person addressing a Council / Committee meeting in relation to a Resident Question:

- 1. Residents Question Time is conducted at the commencement of the second Council Meeting of the month and prior to the handling of General Business.*
- 2. A maximum of 10 minutes is allocated to Residents Question Time.*
- 3. Each Resident is restricted to two (2) questions per meeting.*
- 4. All questions are to be in writing or made electronically and lodged with the General Manager no later than 6.15pm on the day of the Council meeting at which it is to be considered.*
- 5. Questions must be precise and succinct and free of ambiguity and not contain any comments that may be offensive, defamatory or slanderous in any way.*
- 6. A brief preamble may accompany the question to clarify the issue however only the actual question will be included in the minutes of the Council meeting.*
- 7. Responses to residents questions made at the meeting will also be included in the minutes of the Council meeting.*
- 8. Resident's questions taken on notice shall be the subject of a report to Council setting out both the question and response and shall be included in the agenda at the second meeting of the month following the resident's question.*
- 9. There will be no debate or questions with, or by, Councillors during / following a resident question and response.*

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## **3.0 Apologies**

Apologies must be received and accepted from absent Members and leave of absence from the Council Meeting must be granted.

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## 4.0 Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts

Councillors are advised of the following definitions of a "pecuniary" or "conflict" of interest for their assistance:

\* Section 442 of the Local Government Act, 1993 states that a "pecuniary" interest is as follows:

- "(1) **[Pecuniary interest]** A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.
- (2) **[Remoteness]** A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."

Councillors should reference the Local Government Act, 1993 for detailed provisions relating to pecuniary interests.

\* Council's Code of Conduct states that a "conflict of interest" exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

Councillors are also reminded of their responsibility to declare any Political donation or Gift in relation to the Local Government & Planning Legislation Amendment (Political Donations) Act 2008.

\* A reportable political donation is a donation of:

- \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
- \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or
- Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

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## 5.0 Confirmation of Minutes

"Councillors are advised that when the confirmation of minutes is being considered, the only question that can arise is whether they faithfully record the proceedings at the meeting referred to. A member of a council who votes for the confirmation of the minutes does not thereby make himself a party to the resolutions recorded: **Re Lands Allotment Co (1894) 1 Ch 616, 63 LJ Ch 291.**"

Minutes of the Council Meeting held on 7 April 2015.

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## **6.0 Public Addresses**

The following guidelines apply to any person addressing a Council / Committee meeting in relation to an item on the Council / Committee meeting agenda:

1. *A member of the public may be granted leave to address a meeting of Council or a Committee, where such a request is received by the General Manager no later than 3.00pm on the day of the meeting. This is subject to:*
  - (a) *A maximum of up to six speakers may address on any one item, with a maximum of three speakers in support of the recommendation in the report, and three speakers in opposition.*
  - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*
  - (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

*Exceptions to these requirements may apply where:*

- (a) *The Meeting specifically requests that a person be interviewed at a meeting.*
  - (b) *The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager*
2. *Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing.*
3. *No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their address will be immediately terminated by the Chair of the meeting.*
4. *Council's general meeting procedures apply to Public Addresses, in particular, no insults or inferences of improper behaviour in relation to any other person is permitted.*
5. *Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*

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## **7.0 Councillor Questions with Notice**

Nil.

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## **8.0 Mayoral Minutes**

Nil.

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## **9.0 Business by Exception**

Items that are dealt with by exception are items where the recommendations contained in the reports in the Agenda are adopted without discussion.

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## **10.0 Council Meeting Business**

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## **C10.1 Draft Delivery Program and Budget 2015-2019**

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**Meeting:** Council

**Date:** 20 April 2015

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### **COMMUNITY STRATEGIC PLAN STRATEGY: Corporate Management**

#### **COMMUNITY STRATEGIC PLAN OBJECTIVE:**

To provide leadership through ethical, accountable and legislative decision-making processes.

#### **DELIVERY PROGRAM ACTION:**

Public Exhibition of Draft 2015 – 2019 Delivery Program and Budget.

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### **1.0 EXECUTIVE SUMMARY**

#### **1.1 SUMMARY**

Pittwater Council's Draft 2015-2019 Delivery Plan & Budget has been developed in accordance with the Local Government Act and the Integrated Planning & Reporting legislation introduced in October 2009. It identifies key actions that will be undertaken by Council over the coming four-year period to meet the community's needs.

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### **2.0 RECOMMENDATIONS**

- 1. That Pittwater Council's Draft 2015-2019 Delivery Program and Budget, as tabled, be placed on public exhibition between 24 April to 22 May 2015;**
  - 2. That a public meeting be held on 13 May 2015 to inform the community about the Draft 2015-2019 Delivery Program and Budget priorities and seek feedback;**
  - 3. That following the public exhibition period a further report is brought to Council outlining any submissions received.**
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### **3.0 BACKGROUND**

#### **3.1 PURPOSE**

Under the Local Government Act 1993 and the Local Government (General) Regulation 2005, Council undertakes a suite of planning and reporting activities which operate as part of the organisation's strategic framework. These activities include the planning and delivery of the 10 year Community Strategic Plan, 4 year Delivery Program and 6 month Management Plan. Council undertakes these to ensure an integrated approach to planning and reporting which strengthens strategic focus and responsiveness to key priority areas articulated by the community.

The Delivery Program and Budget also incorporates actions and a budget necessary to deliver quality services and facilities as well as a comprehensive asset management program.



### 3.2 BACKGROUND

The Draft 2015-2019 Delivery Program & Budget is produced in line with the Pittwater 2025 Community Strategic Plan where actions and a budget are outlined according to the strategic plan's key directions and associated strategies

An introductory section is provided from the Mayor and General Manager and includes an Executive Summary which highlights the nature of activities guiding the planned period.

The Draft 2015-2019 Delivery Program is set out in five sections as follows:

**Section 1:** Provides a snapshot of our community profile, Council structure and the elements that drive sound decision making such as civic leadership, community engagement, sustainability, customer service and a commitment to protecting our natural environment.

**Section 2:** Specifies financial information with all relevant budget details and financial statements and cash flows for the current and future years.

**Section 3:** Provides a detailed list of the actions Council commits to undertake over the coming four years. The delivery program is broken down into our five Key Directions as identified in the Pittwater 2025 Community Strategic Plan and corresponding strategies which set-out the planned areas of action.

**Section 4:** Identified by Key Directions, the Capital Improvement Program provides details of the projects taking place during the 2015-2019 period of delivery.

**Section 5:** The full range of 2015-2016 fees and charges which Council is authorised to charge and recover for any service is listed in this section.

### 3.3 POLICY IMPLICATIONS

The proposed community engagement process outlined in this report is consistent with Council's Community Engagement Policy no. 170.

### 3.4 RELATED LEGISLATION

In line with the Integrated Planning and Reporting Framework, under Section 403 of the Local Government Act, 1993, Council provides a Resourcing Strategy to outline its long term strategies for the provision of the resources required to implement the strategies established by the community strategic plan that the council is responsible for.

The resourcing strategy is to include long-term financial planning, workforce management planning and asset management planning.

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Budget Overview

Council's 2015-2019 Delivery Program & Budget is broken down into Key Directions and associated Strategies incorporating operational and capital functions of Council. The Key Issues, Budget Performance Overview, Fit for the Future compliance, Major Works Program, proposed Rate increase and the proposed 2015-16 Loan Program are contained within the Report.

3.5.2 The full set of financials for 2015/16 and the projected financials for 2015-2019 can be found in Section 2 in the Draft 2015-2019 Delivery Program & Budget.

3.5.3 In formulating Council's 2015/16 Budget the following major financial indicators are outlined below (including historical comparative data):

Performance Indicator	2015/16 <i>Projected</i>	2014/15 <i>Projected</i>	2013/14 Actual	Local Government Bench Mark
Operating Result (before Capital amounts)	\$1.201m Surplus	\$1.518m Surplus	\$872,000 Surplus	Surplus
Consolidated Result	\$50,439 Surplus	\$69,627 Surplus	\$309,751 Surplus	N/A
Operating Performance Ratio	0.50%	0.54%	0.54%	>0%
Own Source Operating Revenue Ratio	77.72%	94.05%	91.24%	>60%
Unrestricted Current Ratio	2.16	2.17:1	2.31:1	>1.50:1
Debt Service Ratio	3.57	2.94	3.08	>2.00
Rates, Annual Charges, Interest & Extra charges outstanding ratio	5.00%	5.00%	4.54%	<5%
Cash Expense Cover Ratio	6.72	5.69	5.32	>3.00
Building and Infrastructure Renewals Ratio	119.96%	110.05%	129.16%	>100%

Note: < represents less than > represents greater than

As demonstrated above, Pittwater Council remains in a financially sustainable position after taking into account all known 2015/16 financial information into its draft budget. All of Council's Financial Indicators project results that exceed the Local Government Industry benchmarks.

3.5.4 **Key Budget Highlights:**

Council's Major Works Program facilitates both capital and maintenance works on all of Council's asset classes. The proposed budget for the 2015/16 Major Works Program is \$39.943 million with \$26.863 million on capital works and \$13.080 million on recurrent maintenance works programs. Within these programs a number of key highlights are shown below:

- \$7.0 million for a road/bridge/footpath at Macpherson Street Warriewood
- \$7.4 million (Precinct improvements at Church Point including a carpark and foreshore re-development)
- \$2.8 million for streetscape improvements and maintenance
- \$3.17 million on building improvements and maintenance
- \$2.56 million for a comprehensive upgrade of Council's wharves including Mackerel Beach Wharf, Carols Wharf, Bells Wharf and Church Point Commuter Wharf
- \$2.21 million for Council wide drainage works
- \$1.10 million for bush land restoration and protection
- \$861,000 for coastal and flood protection
- \$966,000 for footpaths ensuring village centre and public transport connectivity
- \$2.1 million for Reserve maintenance
- \$2.03 million for Reserve Improvements including \$1.2 million for the Mona Vale Skate Park

3.6 **Fit for the Future Assessment**

- 3.6.1 An Independent Local Government Regional Panel was appointed in April 2012 to undertake a state wide review of Local Government. In October 2013 the Panel submitted a report to Government recommending among other issues the reduction of the number of Metropolitan Councils from 41 to 18 Councils. This also proposed the amalgamation of Manly, Warringah and Pittwater Councils.

On 10 September, 2014 the NSW Government released its response to the final report in conjunction with the launch of its 'Fit for the Future' package. Pittwater Council has been consistently opposed to any proposal to amalgamate Manly, Warringah and Pittwater Councils into one Council, as detailed in its resolutions of 6 May, 2013, 24 June, 2013, 7 April, 2014, 13 October, 2014 and 7 April 2015.

As a part of the State Government's Fit for the Future Program, Councils are being financially measured on "Sustainability", "Infrastructure and Service Management" and "Efficiency" by seven (7) performance measurements (metrics) and must meet these benchmarks by 2019/20.

**Pittwater Council, as indicated in the table below, meets all seven (7) performance benchmarks within the required time frame as imposed by the State Government's Fit for the Future Program.**

Performance Measure	Benchmark	Met by 2019/20
Operating Performance Ratio	>0%	✓
Own Source Operating Revenue	>60%	✓
Building and Infrastructure Renewal Ratio	>100%	✓
Infrastructure Backlog Ratio	<2%	✓
Asset Maintenance Ratio	>100%	✓
Debt Service Ratio	<20%	✓
Real Operating Expenditure per Capita	Declining	✓

*Note: < represents less than and > represents greater than*

### 3.7 Operating Results

- 3.7.1 Council's Operating Result, as indicated in the table below, is attributable to the net difference between total income and expenditure. As indicated, the incremental increase associated with Council's 2015/16 income and expenditure is moderate and in line with inflationary measures.

Description	2015/16 Draft Budget	2014/15 Dec Review	% Increase or Decrease	Narrative
Total Income	\$ 80,881,132	\$ 77,875,662	3.86%	All Operating Income
Total Expenditure	\$ 79,680,340	\$ 76,358,110	4.35%	All Operating Expenditure
Operating Results (Before Capital)	\$ 1,200,792	\$ 1,517,552		Net Results after Subtracting Expenditure from Income

- 3.7.2 Council's major income and expenditure obligations for 2015/16 are summarised in the table below. In providing this summary, a comparison has been included of the movements from Council's last 2014/15 budgetary review to the 2015/16 draft budget. The table Narrative indicates the major reasons for these movements.

Description	2015/16 Draft Budget	2014/15 Dec Review	% Increase or Decrease	Narrative
<b>Major Income Items</b>				
User Fee's	\$ 15,723,050	\$ 14,095,631	11.55%	Caravan Park, Parking, Golf, Cemetery Rents
Regulatory Fee's	\$ 1,671,000	\$ 1,683,330	-0.73%	DA Income, Building Certificate etc
Regulatory Fines's	\$ 3,193,800	\$ 2,849,120	12.10%	Parking Fines, Building Fines etc
Operating Grant Transfers	\$ 2,938,077	\$ 3,584,193	-18.03%	Financial Assistance Grant, Flood Study etc
Operating Contributions	\$ 698,489	\$ 978,113	-28.59%	S94 Contributions, LIRS Interest
Rates	\$ 39,577,579	\$ 38,615,469	2.49%	IPART Approved Rate Increase of 2.4% & Supp Rates
Domestic Waste	\$ 14,346,498	\$ 12,819,546	11.91%	Domestic Waste Charges (\$520 to \$580)
Return on Investment	\$ 1,286,938	\$ 1,438,000	-10.51%	Interest relating to Investments
<b>Major Expenditure Items</b>				
Salaries & Wages	\$ 23,629,655	\$ 22,462,496	5.20%	Award Increase 2.7% plus Performance & EFT changes
Other Employee Costs	\$ 7,666,418	\$ 7,052,214	8.71%	Superannuation, ELE and a Increase in Workers Comp
Plant & Equipment	\$ 2,349,333	\$ 2,440,511	-3.74%	Vehicle running costs, Fuel etc
Contract Services External	\$ 12,356,026	\$ 12,021,226	2.79%	Maint Contracts, Domestic Waste & Life Guard Services
Depreciation	\$ 9,157,728	\$ 9,107,996	0.55%	Reflects Annual Utilisation of Assets
Professional Expenses	\$ 4,776,994	\$ 4,901,692	-2.54%	Audit Fee's, Consultancies, Caravan Park Mgmt Fee, etc
Public Utilities	\$ 2,196,369	\$ 2,102,641	4.46%	Street Lighting, Gas, Water, Electricity
Insurance	\$ 1,077,215	\$ 1,038,649	3.71%	Public Liability, Property, Motor Vehicle
Waste Disposal	\$ 6,930,201	\$ 5,706,628	21.44%	Tipping Fee's from Domestic Waste and Council works
Levies/Contributions/Subsidies	\$ 2,957,052	\$ 3,074,273	-3.81%	Fire Levy, SES & RFS Contribution

### 3.8 Loan Program

- 3.8.1 In 2015/16 Council's proposed borrowing program consists of \$1.5 million for its annual rolling infrastructure renewal program, \$1.2 million for the Skate Park at Mona Vale and \$6.1 million (with an associated LIRS 3% interest rate subsidy) for Church Point Precinct improvements including a carpark and foreshore re-development.

2015-2016					
New Loan Borrowings	Loan Balance at Financial Year End	Projected Principal Repayments	Projected Interest Repayments	Projected Repayments 2015/16	Debt Service Ratio
\$ 8,800,000	\$ 22,562,242	\$ 1,744,766	\$ 1,058,916	\$ 2,803,682	3.57%

### 3.9 Major Works Program

- 3.9.1 Council's Major Works Program facilitates both capital and maintenance works on all of Council's asset classes. The proposed budget for the 2015/16 Major Works Program is \$39.943 million with \$26.863 million on capital works and \$13.080 million on recurrent maintenance works programs.

To provide insight into Council's Draft Major Works Program for 2015/16, the types of expenditure are listed below (ranked from highest to lowest spend). For comparative purposes, the 2014/15 December Review types of expenditure figures are also listed (ranked from highest to lowest spend).

2015/16 Draft Budget		2014/15 December Review Budget	
Carpark - Improvements	\$ 7,500,000	Carpark - Improvements	\$ 3,302,348
Road - Resheet/Heavy Patch	\$ 6,450,213	Other (Better Waste Recycle & Revolving Energy Funds V	\$ 2,818,849
Streetscape - Maintenance	\$ 2,581,153	Buildings - Improvements	\$ 2,557,337
Wharfs - Improvement	\$ 2,560,000	Road - Resheet/Heavy Patch	\$ 2,547,194
Bridge	\$ 2,300,000	Streetscape - Maintenance	\$ 2,450,876
Drainage	\$ 2,218,412	Wharfs - Improvement	\$ 2,355,854
Reserves - Maintenance	\$ 2,107,189	Reserves - Maintenance	\$ 2,047,231
Reserves - Improvements	\$ 2,029,000	Buildings - Maintenance	\$ 1,732,911
Buildings - Maintenance	\$ 1,772,290	Bushland Restoration & Protection	\$ 1,548,876
Buildings - Improvements	\$ 1,395,000	Drainage	\$ 1,415,462
Sports Field - Maintenance	\$ 1,266,227	Traffic Facilities	\$ 1,216,873
Bushland Restoration & Protection	\$ 1,150,441	Footpath	\$ 1,191,840
Other (Better Waste Recycle & Revolving Energy Funds V	\$ 1,140,785	Sports Field - Maintenance	\$ 1,167,313
Footpath	\$ 966,290	Coastal Management	\$ 686,093
Traffic Facilities	\$ 896,863	Commercial Centre - Improvements	\$ 600,000
Coastal Management	\$ 600,601	Commercial Centre - Maintenance	\$ 551,176
Commercial Centre - Maintenance	\$ 529,089	Flood Management	\$ 547,084
Rock Pools - Maintenance	\$ 381,901	Bridge	\$ 500,000
Cemetery Maintenance	\$ 322,900	Asset Management	\$ 475,128
Natural Environment	\$ 295,000	Reserves - Improvements	\$ 468,649
Flood Management	\$ 261,340	Seawalls - Improvements	\$ 448,454
Wharfs - Maintenance	\$ 257,913	Rock Pools - Maintenance	\$ 386,832
Asset Management	\$ 257,024	Cemetery Maintenance	\$ 300,154
Streetscape - Improvements	\$ 221,000	Natural Environment	\$ 299,591
Reserves - Playground Improvements	\$ 160,000	Wharfs - Maintenance	\$ 296,053
Walkway - Maintenance	\$ 151,576	Buildings - New	\$ 200,000
Walkway - Improvements	\$ 75,000	Walkway - Maintenance	\$ 163,435
Rock Pools - Improvements	\$ 45,000	Reserves - Playground Improvements	\$ 130,000
Carpark - Maintenance	\$ 36,015	Walkway - Improvements	\$ 125,000
Kerb & Gutter	\$ 15,000	Rock Pools - Improvements	\$ 83,837
		Kerb & Gutter	\$ 36,000
		Carpark - Maintenance	\$ 35,000
<b>Total</b>	<b>\$ 39,943,222</b>	<b>Total</b>	<b>\$ 32,685,450</b>

## 4.0 Special Rate Variation (SRV)

Within the 2015/16 Delivery Program and Budget, Council's Special Rate Variation (SRV) Program is entering its fifth year. The inaugural Special Rate Variation (SRV) Committee at the end of 2014 finished its initial 3 year term and to date both the works program and Committee have proved very successful in the delivery of vital infrastructure within Pittwater.

As a part of the 2015/16 Delivery Program and Budget, a review of the works program has been undertaken to ensure that Community priorities are still continuing to be met in line with the intent of the Special Rate Variation Community Contract. The intent of the Community Contract is to:

- Upgrade and retrofit infrastructure through carefully targeted, high priority 'on ground works
- Incorporate a schedule of Projects into Pittwater' Council's Delivery Program
- Distribute funding derived from the SRV across the program over the ten year period within Key Direction Categories
- Allow the Pittwater SRV to facilitate 'seed' funding within each Key Direction of the Program
- Vary funding proportions from year to year to achieve economic efficiency through the pooling of funds, and
- Undertake Quarterly and Annual Reporting.

In reviewing the SRV Program of works, it became apparent that changes to the program were required due to:

- Future works items were no longer being viable (e.g. PCYC),
- Other funding opportunities arising therefore requiring a change to the mix of programs within the SRV (e.g. amended wharves program due to additional State funding being secured)
- Some amounts requiring rounding to assist with balancing and presentation
- Change cost estimates, and
- Additional Council priorities (Town and Village Enhancements) were now required.

Accordingly, the summary table below has incorporated the revised program of works and compares the original 10 year SRV Budgeted program against the revised SRV Budgeted Program. As indicated by the Key Direction percentages there are little movement from the Original Key Directions. (Note: the below Key Directions have been updated to reflect the current Delivery Program Strategies and Key Directions).

Key Direction	10 Year TOTAL (New)	10 Year TOTAL (Original)	10 Year % of Total (New)	10 Year % of Total (Original)
KD1 - Supporting & Connecting Community	21,788,746	22,096,997	56%	57%
KD2 - Valuing & Caring Natural Environment	11,325,848	11,604,235	29%	30%
KD3 - Enhancing Working & Learning	-	-	0%	0%
KD4 - Intergrating Built Environment	3,164,760	2,488,487	8%	6%
KD5 - Leading Effective Collaborative Council	2,702,352	2,764,088	7%	7%
<b>SRV Program - TOTAL NEW</b>	<b>38,981,706</b>	<b>38,953,806</b>		

### Examples of Works within Key Directions

KD 1-Supporting & Connecting Community	Roads, Carparks, Footpaths, Bike Infrastructure, Surf Clubs, Amenities, Wharfs, Sports Fields, Libraries
KD 2-Valuing & Caring Natural Environment	Bushland, Beaches, Native Animals, Bushcare, Coastline, Ocean Pools, Scotland Island Drainage
KD 3-Enhancing Working & Learning	Education, Community Engagement, Economic Development
KD 4-Intergrating Built Environment	Town & Village Enhancements
KD 5-Leading Effective Collaborative Council	Management of Natural Hazards and Protecting Creeklines and Waterways

Additionally, once the 2015/16 Budget is adopted by Council, an EOI will be undertaken to re-establish the next Special Rate Variation Committee.

#### **4.1 Rates and Charges (IPART Advice on General Revenue Increase)**

4.1.1 As a part of Council's Draft Operating Budget, a rate increase of 2.4% has been incorporated. This rate increase is IPART approved and has been established by the following methodology:

- 2.47% for the Local Government Cost Index (LGCI) – LG CPI equivalent  
*Less*
- -0.04% for the Local Government Productivity factor  
*Equals*
- 2.4% Final Rate Increase

4.1.2 This general-purpose rate income increase of 2.4% (amounting to \$962,110) has been incorporated in the 2015/16 Budget.

4.1.3 The Local Government Act 1993 requires that Council resolve to make and levy its rates and domestic waste management charge each year. The Draft Delivery Program incorporates the proposed rates and domestic waste charges for 2015/16.

4.1.4 The Schedule of Fees and Charges has been revised for 2015/16 to reflect variations in CPI and other economic factors. The Draft Delivery Program incorporates the new proposed Fees and Charges for 2015/16.

#### **4.2 Resource Implications**

In line with Council's Asset Management Plan, Long-Term Financial Plan and Workforce Plan, significant resources will be required to implement the Draft 2015-2019 Delivery Program and Budget.

### **5.0 KEY ISSUES**

#### **5.1 Review of Pittwater Council's 2015-2019 Draft Delivery Program and Budget**

5.1.1 As a part of the Office of Local Government's Integrated Planning and Reporting Framework and in conjunction with the Pittwater 2025 Community Strategic Plan, the 2015-2019 Delivery Program & Budget has been drafted.

5.1.2 As a part of Council's Strategic Framework, a four-year delivery program to provide the mechanism to achieve the community's aspirations and to translate strategic initiatives into yearly actions has been drafted.

5.1.3 The way in which Council's budget is presented has also been updated to reflect these 12 strategies and five key directions. Financial information is still presented in the traditional format in terms of the consolidated statement but a budget has also been presented for each of the five key directions and 12 strategies.

5.1.4 There have been a number of changes to the organisational structure to facilitate a strong focus on Customer Service, Place Management and Community Engagement.

5.1.5 Key focus areas include the improvement of traffic and transport infrastructure with specific work to provide the greater accessibility to public transport options and a number of large projects such as the Macpherson Street Bridge, continued upgrade of roads and footpaths; maintenance, preservation of a sustainable environment, continued provision of effective customer service; and provision of upgraded buildings and wharves as well as a skate park at Mona Vale and a car park at Church point.

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## 6.0 ATTACHMENTS / TABLED DOCUMENTS

### ATTACHMENT 1: Draft 2015-2019 Delivery Program and Budget

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## 7.0 SUSTAINABILITY ASSESSMENT (view Council Report Template tool)

The following assessment framework contains prompts that should be considered in any Sustainability Assessment. These are consistent with questions contained within the Business Case section of the Project Management database.

### 7.1 GOVERNANCE & RISK

#### 7.1.1 Community Engagement

Council's commitment to its residents concerning community engagement is based on the following social justice principles:

**Equity** – providing the broadest cross-section of residents with opportunities to be involved in consultation activities and ensuring that a fair and equitable process is in place.

**Access** – employing strategies that will ensure individuals are not excluded from the consultation process.

**Participation** – encouraging resident participation in a range of methodologies including face to face meetings, written publications, on-line and social media technology as well as committee and reference group formats.

**Rights** – Council respects the right of each resident to have their voice heard and be informed about the decision making process.

We are committed to conducting community engagement to inform and engage and provide an opportunity for the community to have feedback on the Draft 2015-2019 Delivery Program and Budget.

Council continues to work with our four reference groups and promotes community participation in all engagement activities. We strive to keep the community informed throughout each consultation process and provide feedback about community input.

The Local Government Act requires Council to give public notice of the draft Plan and for it to be placed on exhibition for 28 days.

Public exhibition of the draft Plan will include:

- The public exhibition of the Delivery Program advertised in local papers
- Copies of the Draft Delivery Program made available at Council offices, Mona Vale and Avalon Community Library and on the Pittwater website
- Presentations to Reference Groups at May meetings
- A Public Meeting to be held at the Coastal Environment Centre on 13 May 2015
- The Draft Delivery Program, as tabled to be placed on public exhibition until 22 May 2015.

All projects requiring community consultation must have a completed community engagement plan using Council's template.



### **7.1.2 Risk Management**

To lead an effective and collaborative Council through the Corporate Management and Disaster, Emergency & Risk Management Strategies, Council have developed a series of actions which support and set-out to achieve priorities and outcomes. Business improvement processes aim to ensure that Council remains an effective and sustainable organisation. Strategies to guarantee that the community are involved in decision making processes are a priority. Actions to strengthen responses to disasters and emergencies remain of high importance, with key action areas summarised below:

- By implementing the Workforce Planning Strategy, Council are committed to providing effective workforce planning and cost effective workforce management.
- Council remains committed to engage proactively with the community in a way that is consistent, appropriate and effective by implementing a robust community engagement framework to promote participation from the largest cross-section of the Pittwater community.
- To provide effective, efficient and courteous customer service in accordance with Council Values, Council monitors compliance with the Customer Service Charter to provide effective customer service.
- The 2015/16 budget included in the Draft Delivery Program provides a Consolidated (Operating plus Capital) surplus of \$50,439.

## **7.2 ENVIRONMENT**

### **7.2.1 Environmental Impact**

The Delivery Program outlines a number of actions which help outline the value and care undertaken for our natural environment. These are founded within the Catchment Management, Flora and Fauna Management and Beach & Coastal Management Strategies. Protection and enhancement of our natural environment will be undertaken by managing beach and coastal issues, implementing catchment management initiatives and targeted activities in our urban and bushland areas.

- Council's provision and maintenance of coastal infrastructure and public facilities are continued throughout the planned period with the ongoing upgrade of beach, coastal and estuary facilities; including implementation of 1 Precinct Master Plan for the Church Point area which focusses on additional parking, safety and amenity for pedestrians and road users.
- Additionally Council plans to undertake the bank stabilisation project (which includes construction of environmentally friendly seawall) at both McCarrs Creek & Crystal Bay, Newport to enhance water quality of the adjacent estuarine ecosystem that includes seagrass beds. Equally, Council is effectively managing the risks associated with the coastal environment by maintaining and applying a Coastal Risk Management Policy which investigates adaptive responses of Pittwater estuarine shores to sea level rise.

### **7.2.2 Mitigation Measures**

- By implementing the Capital Improvement Delivery Program for Stormwater and Flood Mitigation Infrastructure, Council's commitment to effectively manage stormwater and flooding and the impacts of climate change is continued throughout the planned period.
- Council continues to implement control programs for pest animals under the flora and fauna management strategy. Community involvement is encouraged, particularly to improve wildlife corridors through programs such as plant giveaways.

## 7.3 SOCIAL

### 7.3.1 Address Community Need & Aspirations

Actions developed to improve the integration of our built environment are seen throughout the Land Use & Development and Town & Village Strategies. Responding to Planning Act proposals and finalisation of the Local Environmental Plan will assist with effective landuse planning. Ongoing work with the community will occur in land release areas. Master planning, maintenance and development of infrastructure will activate village centres, with key action areas are summarised below:

- Council will focus on creating a sense of place to enhance the village experience by developing and implementing enhancements to the public domain which stimulate social, cultural and economic activity;
- Works planned for Mona Vale town centre: Mona Vale Skate Park, Village Park precinct upgrade (greater street integration, amenity to increase usage and activation of public space).
- Council continue their ongoing partnership with State Government to refine the structural plan and outcomes for Ingleside.

### 7.3.2 Strengthening local community

The Delivery Program outlines a suite of actions which are undertaken by Council to enable the planned provision of services resulting in a greater connected community. These are outlined as part of the Building Communities, Recreational Management and Traffic & Transport Strategies. This includes responding to community needs and priorities through the implementation of the Social Plan and enhancing participation of residents in community, cultural and recreation activities with key action areas summarised below:

- Along with Council's ongoing commitment to implement pedestrian access through boardwalks, tracks and access to bushland areas Council is equally focussed in providing a diverse range of accessible recreational opportunities that cater for a broad range of ages and abilities such as an all abilities playground at the Bert Payne Reserve. Additionally, Council recognises it's commitment to young people and families and the promotion of youth involvement in recreational and social activities with the construction of the Regional Skate Park and associated facilities at Kitchener Park in Mona Vale.
- As part of this planned period, Council recognises the need to increase services to facilitate the growing population and has moved to develop a Youth and Family Services Team to provide a range of services to young people and families.
- Emphasis has also been given to increase the usage of public spaces with a focus on street integration and amenity that lead facilitate a number of outdoor events and encourage involvement in community organisations and networks.
- To assist the community to reduce the use of and reliance on private motor vehicles, Council will provide works for a range of active transport infrastructure, which include footpaths, shared paths, line marking, pedestrian refuges, bus stop upgrades and other works directly associated with pedestrian bicycle and other non car transport modes.

## 7.4 ECONOMIC

### 7.4.1 Economic Development

A suite of actions are outlined to enhance our working and learning throughout the planned period. These actions form the Community Education & Learning and Economic Development Strategies. A key focus is the progression of the Economic Development Plan by developing programs which assist local business and stimulate the local economy. Community education programs will provide a range of learning opportunities and ensure the community has access to information that enhances their interactions in Pittwater, with key action areas are summarised below:

- Council will continue to support initiatives which encourage diversity within our town and village centres, by working with businesses and education and training providers to promote opportunities for a range of career and training pathways.
- Council will continue to investigating potential subregional employment opportunities through the SHOROC working group and NSW Chamber of Business whilst continuing to seek funding opportunities from relevant NSW and Federal Government agencies which support employment growth of local Small Medium Enterprises to undertake collaborative business seminars / workshops series with key business stakeholders such as Pittwater Business Ltd and Chambers of Commerce.

Report prepared by  
Jane Mulroney, Manager Community Engagement & Corporate Strategy

Mark Jones  
**Chief Financial Officer**

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## **Leading and Learning Committee**

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### **11.0      Leading and Learning Committee Business**

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## **C11.1 Investment Balances as at 31 March 2015**

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**Meeting:** Leading and Learning Committee

**Date:** 20 April 2015

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**COMMUNITY STRATEGIC PLAN STRATEGY:** Corporate Management

**COMMUNITY STRATEGIC PLAN OBJECTIVE:**

- To ensure Council's future financial sustainability

**DELIVERY PROGRAM ACTION:** To Provide Effective Investment of Council's Funds

---

### **1.0 EXECUTIVE SUMMARY**

#### **1.1 SUMMARY**

- The net investment return as at 31 March 2015 is \$881,440.
  - All investments have been made in accordance with the NSW Local Government Act, 1993, the Local Government (General) Regulations and Council's Investment Policy.
- 

### **2.0 RECOMMENDATION**

**That the information provided in the report be noted.**

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### **3.0 BACKGROUND**

#### **3.1 PURPOSE**

A report listing Council's investments must be presented.

#### **3.2 BACKGROUND**

As provided for in Regulation 212 of the Local Government (General) Regulation, 2005, a report listing Council's investments must be presented.

#### **3.3 POLICY IMPLICATIONS**

- Council's Investment Policy (No 143)

#### **3.4 RELATED LEGISLATION**

Regulation 212 of the Local Government (General) Regulation, 2005, states that a report listing Council's investments must be presented. The responsible Accounting Officer certifies that all investments have been made in accordance with Section 625 of the NSW Local Government Act, 1993, the Local Government (General) Regulations and Council's Investment Policy (No 143).

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Budget

- The net investment return as at 31 March 2015 is \$881,440
- The projected investment return budget for the financial year (subject to quarterly budget review) is \$1,250,000

#### 3.5.2 Resources Implications

- Nil Implication

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## 4.0 KEY ISSUES

### 4.1 MONTHLY RETURN

Investment return for the month of March 2015:	
Term deposits interest income:	\$96,620
Net investment return for March 2015:	\$96,620

### YEAR TO DATE RETURN

Investment return year to date March 2015:	
Term deposits interest income:	\$881,440
Net investment return year to date:	\$881,440

Projected investment return budget for financial year: \$1,250,000

### 4.2 PERFORMANCE OF COUNCIL'S PORTFOLIO FOR THE LAST FIVE YEARS

Annual return of Council's portfolio for the last five years:

Year to	Net Return	Return on average funds invested
June 2011	\$1,521,223	5.9%
June 2012	\$1,679,693	6.4%
June 2013	\$1,656,908	4.8%
June 2014	\$1,227,105	3.8%
March 2015	\$881,440	3.4%
Projected Budget	\$1,250,000	3.6%

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## **5.0 ATTACHMENTS / TABLED DOCUMENTS**

### **ATTACHMENT 1: Investment Balance Table and Associated Graphs**

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## **6.0 SUSTAINABILITY ASSESSMENT**

### **6.1 GOVERNANCE & RISK**

#### **6.1.1 Community Engagement**

- Not Applicable

#### **6.1.2 Risk Management**

- Investments and Interest Income form a part of Council's 2014/15 Budget. Investment risk is mitigated by Council's conservative portfolio structure and compliance with associated legislation and regulations.

### **6.2 ENVIRONMENT**

#### **6.2.1 Environmental Impact**

- Not Applicable

#### **6.2.2 Mitigation Measures**

- Not Applicable

### **6.3 SOCIAL**

#### **6.3.1 Address Community Need & Aspirations**

- Not Applicable

#### **6.3.2 Strengthening Local community**

- Not Applicable

### **6.4 ECONOMIC**

#### **6.4.1 Economic Development**

- Investments and Interest Income form a part of Council's 2014/15 Budget.

Report prepared by  
Renae Wilde, Senior Project Accountant

Mark Jones  
**CHIEF FINANCIAL OFFICER**



# PITTWATER COUNCIL

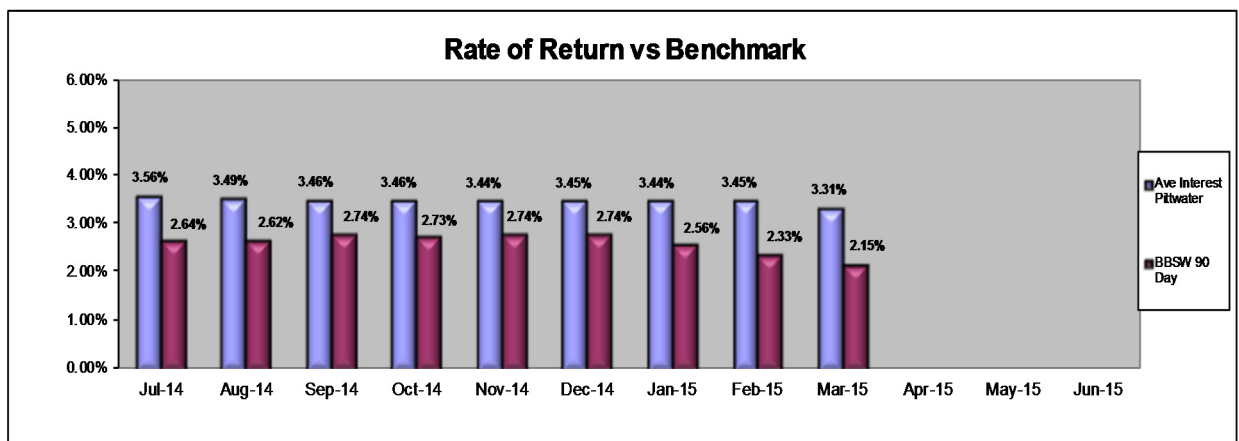
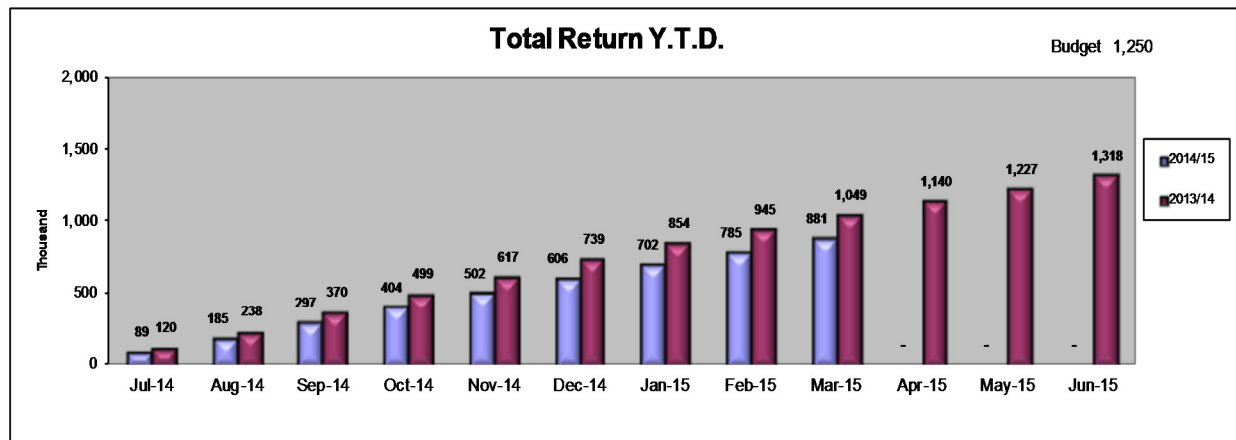
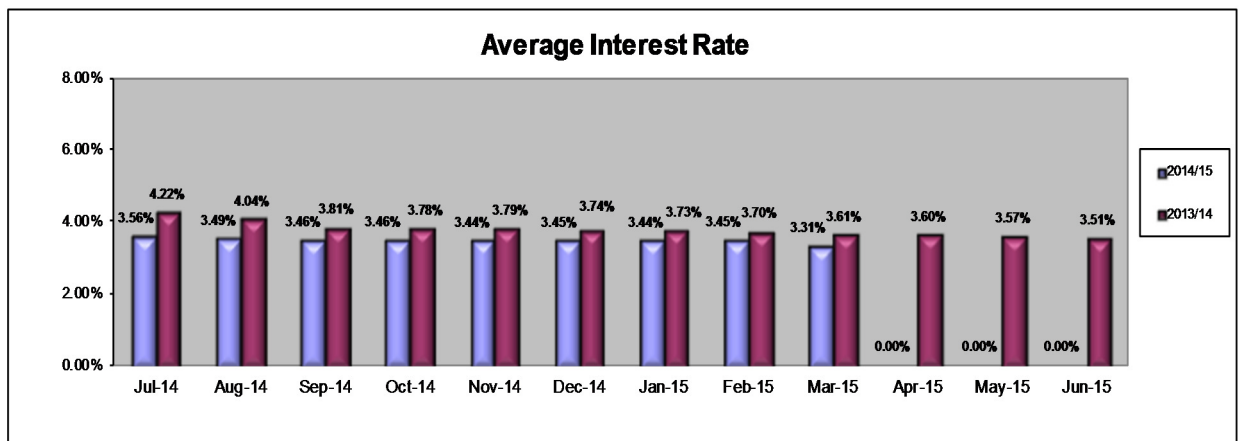
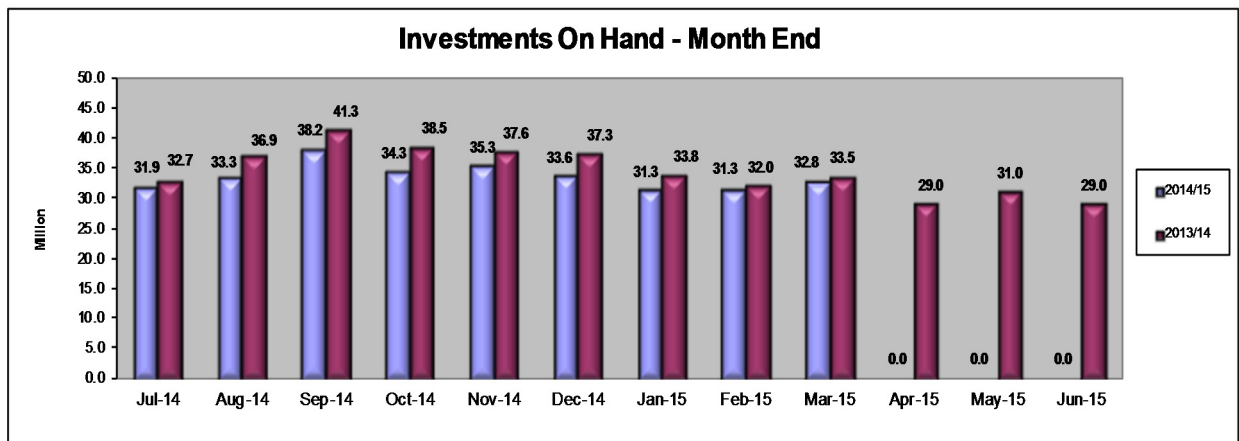
## INVESTMENT BALANCES

As at 31st March 2015

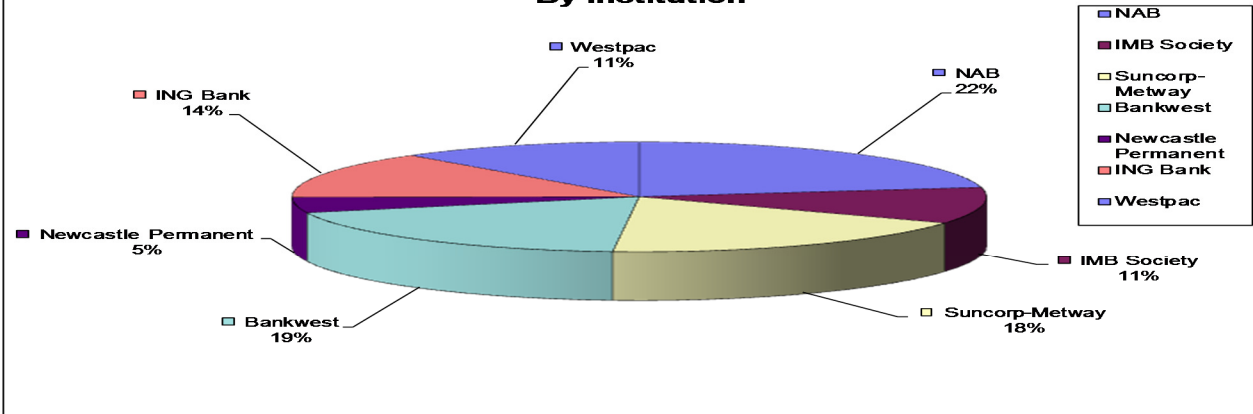
TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	NAB	AA-	1,800,000.00 *	At Call	At Call	1	2.75%
At Call Total			1,800,000.00				
Term Dep	IMB Society	BBB+	500,000.00	17-Nov-14	13-Apr-15	147	3.40%
Term Dep	IMB Society	BBB+	1,000,000.00	2-Dec-14	27-Apr-15	146	3.45%
Term Dep	IMB Society	BBB+	500,000.00	5-Jan-15	11-May-15	126	3.40%
Term Dep	IMB Society	BBB+	1,000,000.00	16-Feb-15	9-Jun-15	113	3.05%
Term Dep	IMB Society	BBB+	500,000.00	23-Mar-15	6-Jul-15	105	2.95%
Investee Total			3,500,000.00				
Term Dep	Suncorp-Metway	A+	750,000.00	24-Nov-14	25-May-15	182	3.60%
Term Dep	Suncorp-Metway	A+	1,000,000.00	28-Nov-14	20-Apr-15	143	3.50%
Term Dep	Suncorp-Metway	A+	1,000,000.00	1-Dec-14	27-Apr-15	147	3.55%
Term Dep	Suncorp-Metway	A+	750,000.00	16-Dec-14	4-May-15	139	3.50%
Term Dep	Suncorp-Metway	A+	500,000.00	19-Jan-15	15-Jun-15	147	3.45%
Term Dep	Suncorp-Metway	A+	1,000,000.00	23-Feb-15	29-Jun-15	126	3.05%
Term Dep	Suncorp-Metway	A+	1,000,000.00	3-Mar-15	10-Aug-15	160	3.10%
Investee Total			6,000,000.00				
Term Dep	Bankwest	AA-	1,000,000.00	10-Nov-14	11-May-15	182	3.45%
Term Dep	Bankwest	AA-	1,000,000.00	17-Nov-14	18-May-15	182	3.45%
Term Dep	Bankwest	AA-	750,000.00	24-Nov-14	25-May-15	182	3.50%
Term Dep	Bankwest	AA-	1,000,000.00	2-Dec-14	1-Jun-15	181	3.50%
Term Dep	Bankwest	AA-	1,000,000.00	28-Jan-15	22-Jun-15	145	3.40%
Term Dep	Bankwest	AA-	500,000.00	23-Feb-15	26-May-15	92	3.15%
Term Dep	Bankwest	AA-	1,000,000.00	3-Mar-15	22-Jun-15	111	3.10%
Investee Total			6,250,000.00				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	27-Jan-15	27-Apr-15	90	3.45%
Term Dep	Newcastle Permanent	BBB+	500,000.00	9-Feb-15	12-May-15	92	3.15%
Investee Total			1,500,000.00				
Term Dep	Westpac	AA-	1,000,000.00	13-Oct-14	7-Apr-15	176	3.57%
Term Dep	Westpac	AA-	1,000,000.00	5-Mar-15	29-Jun-15	116	3.09%
Term Dep	Westpac	AA-	1,000,000.00	10-Mar-15	13-Jul-15	125	3.03%
Term Dep	Westpac	AA-	750,000.00	16-Mar-15	27-Jul-15	133	3.04%
Investee Total			3,750,000.00				
Term Dep	ING Bank	A-	1,000,000.00	15-Sep-14	13-Apr-15	210	3.50%
Term Dep	ING Bank	A-	1,000,000.00	7-Oct-14	7-Apr-15	182	3.51%
Term Dep	ING Bank	A-	500,000.00	8-Dec-14	9-Jun-15	183	3.49%
Term Dep	ING Bank	A-	1,000,000.00	9-Feb-15	4-Aug-15	176	3.13%
Term Dep	ING Bank	A-	1,000,000.00	9-Mar-15	7-Sep-15	182	3.04%
Investee Total			4,500,000.00				
Term Dep	NAB	AA-	500,000.00	24-Nov-14	20-Apr-15	147	3.45%
Term Dep	NAB	AA-	500,000.00	8-Dec-14	9-Jun-15	183	3.49%
Term Dep	NAB	AA-	500,000.00	5-Jan-15	18-May-15	133	3.46%
Term Dep	NAB	AA-	1,000,000.00	12-Jan-15	15-Jun-15	154	3.46%
Term Dep	NAB	AA-	500,000.00	2-Feb-15	20-Jul-15	168	3.30%
Term Dep	NAB	AA-	1,000,000.00	2-Mar-15	6-Jul-15	126	3.10%
Term Dep	NAB	AA-	500,000.00	10-Mar-15	20-Jul-15	132	3.10%
Term Dep	NAB	AA-	1,000,000.00	30-Mar-15	28-Sep-15	182	3.00%
Investee Total			5,500,000.00				
March BBSW Close							2.15%
TOTAL INVESTMENTS			\$32,800,000.00				

Note: Investments denoted with an \* are held in Cash and Cash Equivalents in Council's Balance Sheet along with Cash at Bank and Floats.  
All other investments are held as Investment Securities in Council's Balance Sheet



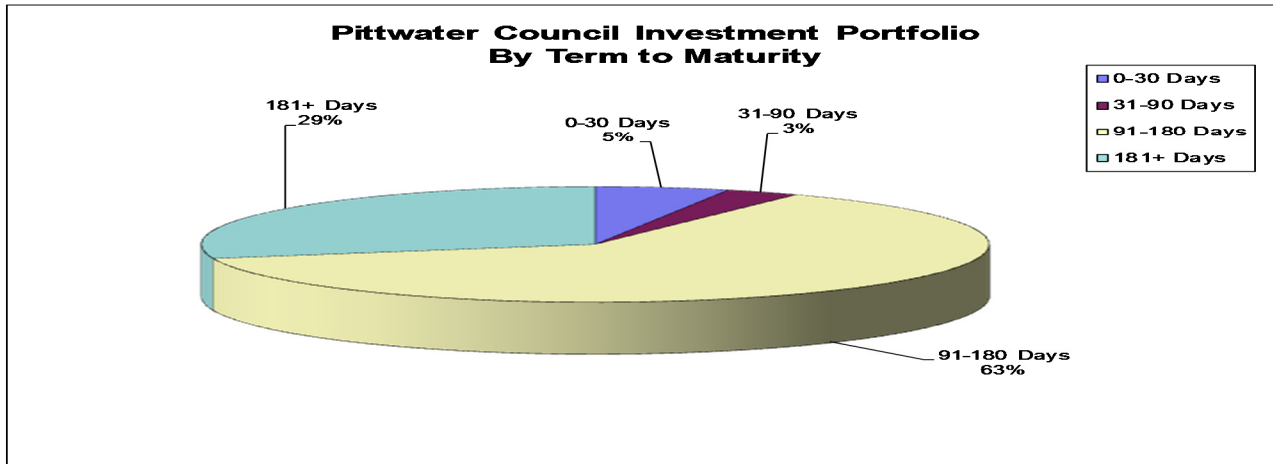


### Pittwater Council Investment Portfolio By Institution



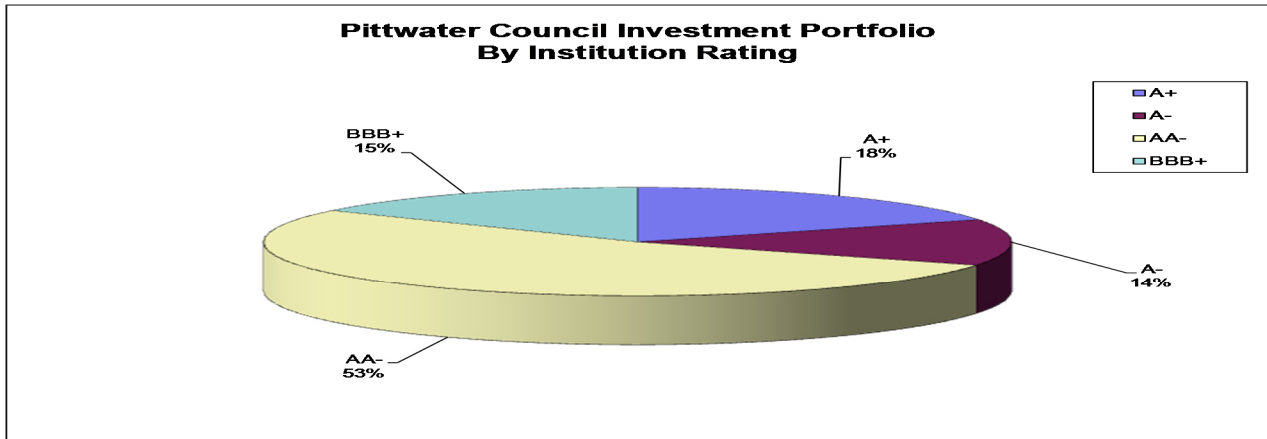
**Note: Council Policy - No Institution can hold more than 25% of Council's Total Portfolio**

### Pittwater Council Investment Portfolio By Term to Maturity

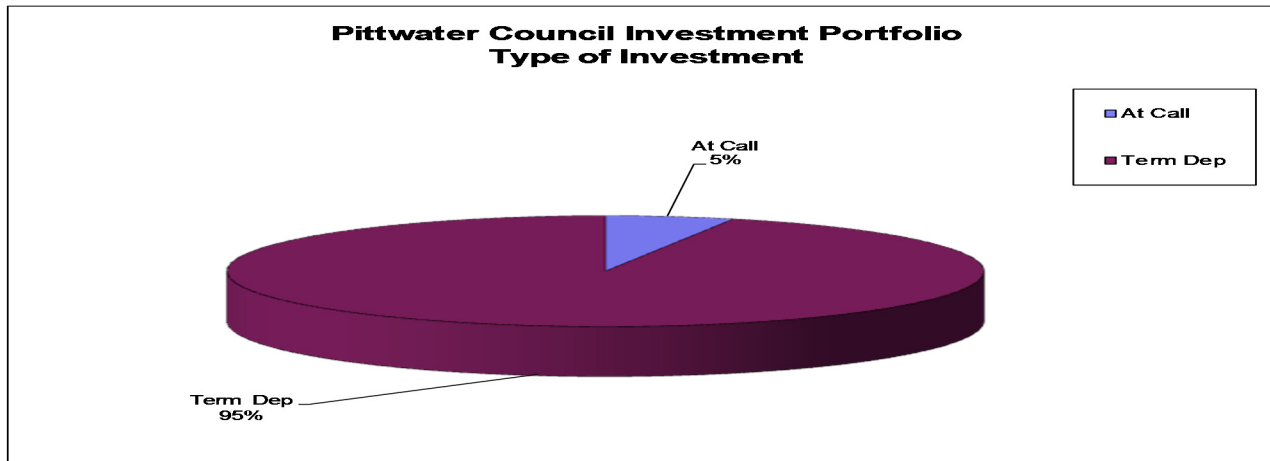


**Note: Council Policy - No Term to Maturity can be greater than two years**

### Pittwater Council Investment Portfolio By Institution Rating



### Pittwater Council Investment Portfolio Type of Investment



## Investment Information:

### Types of Investments -

**At Call** refers to funds held at a financial institution and can be recalled by Council either same day or on an overnight basis.

A **Term Deposit** is a short term deposit held at a financial institution for a fixed term and attracting interest at a deemed rate.

### Credit Rating Information -

Credit ratings are generally a statement as to the institutions credit quality.

Ratings ranging from BBB- to AAA (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

AAA	<i>Extremely strong capacity to meet financial commitments (highest rating)</i>
AA	<i>Very strong capacity to meet financial commitments</i>
A	<i>Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances</i>
BBB	<i>Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments</i>
BB	<i>Less vulnerable in the near term, but faces major ongoing uncertainties and exposures to adverse business, financial, and economic conditions</i>
B	<i>More vulnerable to non-payment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitment on the obligation</i>
CCC	<i>Currently vulnerable, and is dependent upon favourable business, financial, and economic conditions to meet its financial commitments</i>
CC	<i>Currently highly vulnerable</i>
C	<i>Highly likely to default</i>
D	<i>Defaulted</i>

The **Bank Bill Swap Rate (BBSW)** is the average mid-rate, for Australian Dollar bills of exchange, accepted by an approved bank, having regard to a designated maturity.

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## **C11.2 Cannes Reserve Flying-fox Camp Management Plan**

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**Meeting:** Leading and Learning Committee

**Date:** 20 April 2015

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**COMMUNITY STRATEGIC PLAN STRATEGY:** Flora & Fauna and Corporate Management

**COMMUNITY STRATEGIC PLAN OBJECTIVE:**

- To manage catchments, habitats, corridors and ecosystems effectively
- To ensure effective and cooperative management by providing equitable and transparent - business processes
- To sustainably and strategically manage the community's assets on a whole of life basis taking into account risks, community expectations and Quadruple Bottom Line (social, economic, environmental & governance)

**DELIVERY PROGRAM ACTION:**

To respond to a range of community safety issues

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### **1.0 EXECUTIVE SUMMARY**

#### **1.1 SUMMARY**

The Draft Cannes Reserve Flying-fox Camp Management Plan was reported to Council on 16 February 2015, and Council resolved to place the Plan on public exhibition. The Plan was subsequently placed on public exhibition between 23 February and 27 March 2015 and advertised via letterbox drop as well as the usual methods (refer to Section 4.0 of this report). A public meeting was held on 18 March 2015 and attended by approximately 70 residents as well as Council and Office of Environment & Heritage (OEH) staff, the consultant and seven Councillors. Submissions closed on 5 April 2015.

A total of 77 submissions were received, of which:

- 56 were in support of the Plan and its proposed actions:
- 16 submissions were received which opposed the Plan;
- 5 submissions were concerned with the impact of the dispersal methods on residents' wellbeing, or providing miscellaneous information or suggestions.

The major issues raised by the public exhibition of the Plan were:

1. The continual impact from the flying-fox camp on the immediate residents of the reserve, with previous attempts to mitigate impacts being ineffectual, impacts include lack of amenity, sleep deprivation, stress-related illness, potential land devaluation and property damage.
2. The potential for the dispersal noise to significantly affect residents amenity beyond Cannes Reserve, given the type of disturbance proposed and the timing of disturbance.
3. The potential for the colony to splinter and creating new colonies in undesirable locations.
4. The potential to impact on animal welfare, both in terms of the Grey headed Flying-fox being a Threatened Species and the proposal impacting on individuals.
5. The lack of success of previous camp dispersal and colonies in undesirable locations.

6. The cost given the risks involved, particularly the ongoing “maintenance dispersal” costs as the flying-foxes will likely continue to return to Cannes Reserve after and require extra dispersal effort.

---

## **2.0 RECOMMENDATION**

1. That the Cannes Reserve Flying-fox Camp Management Plan 2014 be adopted.
2. That it be noted that the adoption of the Cannes Reserve Flying-fox Camp Management Plan 2014 effectively updates and replaces Section 3 of the Cannes Reserve and Gunyah Place Reserve Plan of Management 2011.
3. That Council carry out Stage 2a of the Plan - vegetation modification (creation of the 7m buffer) and Stage 2b dispersal strategy.
4. That Council engage with the community and other stakeholders in regard to noise associated with any dispersal.
5. That Council forward the Cannes Reserve Flying-fox Camp Management Plan 2014 to the Office of Environment and Heritage for their approval.
6. That the Council apply for relevant licences as required meeting its legislative obligations from the OEH and any other relevant agency to facilitate the adopted works.

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## **3.0 BACKGROUND**

### **3.1 PURPOSE**

The purpose of this report is to report back to Council the outcomes of the public exhibition of the Draft Cannes Reserve Flying-fox Camp Management Plan 2015. Seventy-seven (77) submissions were received, these covered numerous issues and concerns which are addressed below.

### **3.2 BACKGROUND**

A Grey-headed Flying-fox (GHFF) camp has been resident at Cannes Reserve in Avalon for up to ten years. Cannes Reserve is a small and narrow bushland reserve located between Cannes Drive, Gunyah Place and Therry Street. The reserve contains Littoral Rainforest and Pittwater Spotted Gum Forest which are both listed endangered ecological communities (EEC's) in the Threatened Species Conservation Act 1995. Grey-headed Flying-foxes are listed as a Vulnerable species in NSW under this Act as well as in the Commonwealth's Environment Protection & Biodiversity Conservation Act 1999.

The numbers in the Cannes Reserve camp have fluctuated between 200 to 1,500 animals; however there was a spike in July 2014 where the population increased significantly to over 3,500. The only other known camp in the Pittwater LGA is at Warriewood Wetlands, which fluctuates between zero and 5,000 animals.

Following the significant increase in GHFF numbers there was also changes to the NSW Office of Environment & Heritage (OEH) and the Department of Environment management policies. A report to the Natural Environment Committee meeting of 4 August 2014 outlined the issue and proposed a forward direction based on the change in management. This involved engaging a consultant (Ecosure) to write a Flying-fox Camp Management Plan for Cannes Reserve in line with the new management policy.

The Draft Plan was placed on public exhibition following the report to Council at the meeting of 16 February 2015. This report highlights the issues raised by the community consultation and measure to improve management of the camp within the reserve.

### **3.3 POLICY IMPLICATIONS**

Pittwater Council has a long history of excellence in natural resource management, and this issue is at odds with many of the goals and objectives within Council's Community-based Strategic Plan. However, the social ramifications on residents require Council to address the ongoing nature of the issue and the ever increasing numbers of flying-foxes within the reserve.

The Cannes Reserve Flying-fox Camp Management Plan 2015 is considered to be a more detailed extension of the existing Cannes Reserve Plan of Management which was adopted in August 2011. The Flying-fox Camp Management Policy recently issued by OEH requires a specific and detailed camp management plan to be written and publicly exhibited in order for any management actions to be undertaken (as discussed below). The Cannes Reserve Flying-fox Camp Management Plan 2015 effectively amends the Cannes Reserve and Gunyah Place Reserve Plan of Management 2011. With the Cannes Reserve Flying-fox Camp Management Plan 2014 replacing the Cannes Reserve Flying-fox Colony Management Plan contained within the Gunyah Place Reserve Plan of Management 2011

The Cannes Reserve Flying-fox Camp Management Plan 2015 if adopted by The Office of Environment and Heritage reduces the need for specific approvals and allows for the implementation of the approved Plan. If adopted the Plan would be submitted to OEH for their approval. However, this would require that the current Cannes Reserve and Gunyah Place Reserve Plan of Management 2010 be amended to recognise the Cannes Reserve Flying-fox Camp Management Plan.

The Cannes Reserve Flying-fox Camp Management Plan 2015 incorporates a trial dispersal which is a change from the current Cannes Reserve and Gunyah Place Plan of Management that sought to manage the flying-foxes "in-situ" as recommended by the previous NSW Flying-fox Camp Management Policy. The current plan of management contained buffers to be developed within the reserve. Other "in-situ" management options include addressing residents' noise concerns through secondary glazing and air conditioning which have been included as costing within the report.

### **3.4 RELATED LEGISLATION**

The relevant legislation governing the management of flying-foxes and their habitat are the State Government's Threatened Species Conservation Act 1995 and the Federal Government's Environment Protection Biodiversity Conservation Act 1999. Each has recently reviewed and amended policies and guidelines regarding management of flying-foxes, which now take into account the impacts on affected residents. The new draft policies released by both OEH and the Department of the Environment have removed much of the "red tape" which previously restricted management actions.

#### 3.4.1 *Threatened Species Act 1995*

Both the Grey-headed Flying-fox and the EEC vegetation types within the reserve are listed within the Threatened Species Act 1995. Any actions that are proposed will require a Section 91 licence. Council has a current Plan of Management detailing the creation of 7m buffers, this is also incorporated into the new Flying-fox Camp Management Plan. Council has then submitted a Section 91 Licence to undertake these works. OEH have advised that any proposed dispersal would require a separate licence application that would be made at the same time as submission of a Flying-fox Camp Management Plan submission.

#### 3.4.2 The Flying-fox Camp Management Policy

Recently issued by OEH, this policy requires Local Government Authorities who manage the land to prepare a Flying-fox Camp Management Plan. The policy and associated guidelines have formed the basis and template of the Cannes Reserve Flying-fox Camp Management Plan and OEH has reviewed and provided feedback which has been incorporated. The Plan provides details to allow a determination to be made by the Director General of OEH as to whether the proposed action is likely to significantly affect threatened species, populations or ecological communities, or their habitats.

#### 3.4.3 The Flying-fox Draft Policy Statement

The Federal Government's Draft Policy Statement in relation to camp management guidelines specifies whether proposed management actions are likely to require federal approval. Based on the new Draft guidelines, the Cannes Reserve GHFF camp is not considered to be a nationally-important flying-fox camp and therefore the Plan does not require federal approval as the proposed actions are unlikely to have a significant impact on the national population of GHFF. This has been confirmed in writing by the Department of the Environment.

#### 3.4.4 Protection of the Environment Operations Act 1997

The type of disturbance specified within the plan is noise, the type of noise used in dispersals is likely to come under the definition of Offensive Noise as defined in the *Protection of the Environment Operations Act 1997* as being noise:

- (a) *that, by reason of its level, nature, character or quality, or the time at which it is made or any other circumstances:*
  - (i) *is harmful to (or is likely to be harmful to) a person who is outside the premises.*  
*from which it is emitted, or*
  - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- (b) *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in any other circumstances prescribed by the regulations.*

Community consultation and liaison with relevant stakeholders is needed to ensure that the community is aware of the need and impacts of the noise. Contingencies need to be considered as to when impacts will require activities to be managed.

It is noted that only two (2) submissions were received during the public exhibition concerned with the dispersal noise, despite a letter box drop to 600-plus residents within 300 metres of Cannes Reserve, stating that dispersal will involve loud noise played early in the mornings.

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Cost to Date

The cost to date of actions associated with camp management at Cannes Reserve over the last seven years is estimated at \$88,000 for current licencing, impact assessment, plan preparation and works. This does not include ongoing bush regeneration works, staff time liaising with State Agencies, community meeting and other sundry items.

#### 3.5.2 Proposed Cost to Implement the Cannes Reserve Flying-fox Camp Management Plan

The Draft Plan contained a budget around vegetation modification and dispersal. However, as highlighted by OEH and during community consultation, if the dispersal were to be successful then "maintenance dispersal" would likely be required.

The required maintenance dispersal funding (as outlined in Appendix 7 of the Plan) has been added as an overall cost. The budget has been based on previous experience with vegetation removal, and use of contractors to undertake the initial 3 week dispersal trial. The proposed costs are in Table 1:

Table 1: Proposed costs of Cannes Reserve Flying-fox Camp Management Plan

Action	Description	Funding source	Cost
Stage 1	Non-indigenous weed removal	Bushland maintenance	\$15 000\$ over 3 years
Stage 2a	Habitat modification (7m buffer)	From operational budget	\$40 000^
Stage 2b	Trial Dispersal	Council allocation for Cannes Reserve management	\$61 000
	Contingency	Council allocation for Cannes Reserve management	\$20 000
Stage 3	Maintenance Dispersal	Council allocation for Cannes Reserve management	Up to \$80 000# over 3 years
		Total	\$201 000

\$ Includes current financial year.

\* Council has been successful in obtaining additional grant funding for reserve restoration, subject to the works to be undertaken.

# This cost is estimated on the use of Council staff and could be greater if there is a reliance on contract staff.

^ This is subject to conditions of approval from OEH, for example works may only be permitted at night.



### 3.5.3 Alternative Action Funding

At the Council meeting of 16 February 2015 and during community consultation the issue of alternative actions was raised and Council staff were requested to determine the costs associated with alternatives. Generally, alternatives involve in-situ management which would include buffer creation and noise abatement.

For at least 10 properties which are the most effected, Council staff have researched costs:

- For double-glazing of windows but found that costs would be up to \$15,000 per house with medium to large windows. There are at least 10 properties in the most affected areas (those immediately adjacent to the southern section of the reserve), secondary glazing may reduce these costs by half. An estimated cost would be between \$75,000 and \$150,000.
- For reverse-cycle air conditioning to overcome ventilation issues the costs vary depending on to property between \$6,000 and \$8,000 each, for ten properties. Estimated costs between \$60,000 and \$80,000.

Total cost is then between \$135,000 and \$230,000 plus the aforementioned 7m buffer creation of up to \$40,000.

There are likely to be ongoing issues with noise abatement measures:

- only minimises the impact of noise and doesn't address the other issues such as odour, dropping of excrement, use of outside space and loss of amenity and is therefore only a partial solution to the issue;
- given the age of some of the housing stock work to windows may be effective;
- given the volume of the disturbance to some properties it may not be effective.

### 3.5.4 Resources Implications and Logistics

There are logistical challenges around the plan these include:

- Maintenance dispersal was not originally considered in the draft plan. If Council staff are to undertake the maintenance dispersal there will be an impact on the work hours of associated staff, given that the dispersal would occur at 4:00am for up to 20 additional days of the year.
- There is likely to be some impact on the operation of the Natural Environmental and Education Unit due to the intensive nature of the proposed works. The use of consultants and contractors for these actions is limited due to costs and availability in the Sydney metropolitan area.

There are likely to be conditions placed on any licence application which may lead to increased costs. For example a wildlife carer will be required to be on site during any dispersal. There may also be additional costs for monitoring and reporting.

### **3.6 POTENTIAL RISKS**

The primary risk is the uncertainty associated with the ongoing implications of the dispersal, i.e. no guarantee of control of alternative roost site, and as a consequence, the intervention requirements of that location. Typically, successful dispersals are heavily resourced with budgets for ongoing dispersal attempts each year to avoid re-colonisation of a roost site.

Where an alternative roost site is in an inappropriate location Council is responsible for dispersal of flying-foxes from that location. We understand that any license will be conditioned to ensure that ongoing management of the colony is undertaken by Pittwater Council.

There is the potential that the dispersal may need to cease if new inappropriate colonies form to ensure that early intervention is undertaken and the colony dispersed back to their original location.

There is a risk to animal welfare from the stress involved in any dispersal attempt. This has been considered in the plan but the risk will still exist and continual and ongoing assessment is required.

The situation with Cannes Reserve is unusual in that the reserve is small (0.6ha), linear and in a highly urbanised area. To date there have been no dispersals undertaken in Sydney involving such a small reserve in such urban locations – the only dispersal in Sydney has been at the Royal Botanic Gardens which is a large site with few adjoining residents.

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## **4.0 KEY ISSUES**

### **4.1 COMMUNITY CONSULTATION**

The following community engagement methods were used:

- Letters to all residents adjoining and within 300 metres (the extent of potential noise from the dispersal) of Cannes Reserve advising of the Draft Plan on exhibition and public meeting to be held;
- Advertised several times in the Manly Daily;
- Advertised on Council's website including a "Have Your Say" webpage;
- Email notification sent to Councillors;
- Public meeting held on Wednesday 18 March 2015 at Avalon Recreation Centre;
- Hard copies of the Draft Plan were available for viewing during the exhibition period at Pittwater Council's Customer Service Centres and Libraries at Mona Vale and Avalon Beach.

Approximately 70 residents and stakeholders attended the public meeting, as well as seven Councillors and two OEH staff. Mark Beharrell (Natural Environment & Education Manager, Pittwater Council), Matthew Hansen (Pittwater Council) and Jess Bracks (Ecosure) presented at this meeting. Meeting minutes are available on Council's Community Consultation webpage.

## 4.2 SUBMISSIONS RECEIVED

A total of 77 submissions were received, of which:

- 56 were in support of the Plan and its proposed actions;
- 16 submissions were received which opposed the Plan;
- 5 submissions were concerned with the impact of the dispersal methods on residents' wellbeing, as well as providing miscellaneous information or suggestions.

Submissions covered the following themes and issues:

### 4.2.1 Impacts of the GHFF camp on adjoining residents

Fifty-six (56) submissions were received highlighting the following issues;

- Reaffirmed the noise, smell, health and property devaluation issues caused by the GHFF camp;
- Full support for dispersal as vegetation buffers and double-glazing are only a band-aid solution;
- The GHFF have ruined what was once a beautiful reserve with abundant wildlife and they need to be moved on;
- Get annoyed when people from out of the area defend the GHFF, who have no idea what it is like to live next to them;
- The GHFF were not here first they have moved in around 10 years ago and increased ever since and their protected status has stalled any attempts to address the issue.

All of these submissions were in support of the Plan and its proposed action to disperse the camp. Most of these submissions were from adjacent residents immediately impacted by the GHFF camp. Thirty four (34) submissions were from friends and family members of affected residents who do not reside in the vicinity of Cannes Reserve but they are lending their support on behalf of affected residents.

### 4.2.2 Impacts of the Plan are proposed actions on the GHFF and dispersal is generally not effective.

Sixteen (16) submissions were received highlighting the following main topics:

- The potential to impact on animal welfare, causing extreme stress to the animals;
- The potential to further impact the survival of the species given its threatened status;
- The possibility of the dispersal not being successful or the colony splintering and creating new colonies in undesirable locations;
- The cost given the risks involved, particularly as dispersal is unlikely to work, a waste of ratepayer money for only a few affected residents;
- GHFF should be valued as an educational resource and as key pollinators, not forced out of the reserve.

These submissions oppose the Plan and its proposed action to disperse the camp. None of these submissions were from residents immediately affected by the issue, and a few submissions suggested solution to the issue around in-situ management via double-glazing of windows.

#### **4.2.3 Impacts Of The Plan's Proposed Actions On Welfare Of Residents**

Two (2) submissions were received highlighting the following issues;

- The proposed timing of the dispersal noise will affect residents' amenity in the immediate area, beyond those impacted by the GHFF camp itself.

#### **4.2.4 Several submissions commented on the potential for differing management of the camp:**

- More appropriate management strategies should be developed (suggested the use of sprinklers which have been successful in the Northern Territory);
- That the current residential zoning be amended to a land-use allow commercial use that would not be impacted by the Flying-fox camp.
- The State government needs to revoke the threatened status of GHFF in urban areas;

### **4.3 STAFF RESPONSE TO THE SUBMISSIONS**

The submissions indicate that the GHFF camp is an emotive issue and one in which people have very different perspectives or opinions. Twenty-two (22) submissions supporting the Plan and dispersal of the camp were from affected residents, and there were no submissions received from any local resident who opposed the Plan. Opposition to the Plan came from wildlife advocates, there also several submissions from local residents regarding a reduction in amenity during any dispersal.

#### **4.3.1 The continual impact from the flying-fox camp on the immediate residents of the reserve, with previous attempts to mitigate impacts being ineffectual**

The adjoining residents have raised issues concerning the impact of the GHFF, in many instances these are obvious and have been ongoing. To date the actions undertaken to mitigate these issues have proved ineffectual. These impacts include:

- Noise is the most frequent complaint, monitoring in 2013 indicated that at the most affected property during the morning return peak noise increased in the order of 30dB and peak noise by levels of 66-71dB. At this time the number of GHFF in the reserve was 300 approximately.
- Odour is another common complaint, and is particularly noticeable following rain.
- Property damage relates defecation on property, where this has impacted on painted finishes of properties and cars, laundry and other items. There has also been a significant decline in the health of roost trees in the reserve.
- Health impacts have previously reported particularly around stress and sleep deprivation.
- There have also been numerous reports of property devaluation and inability to rent properties.
- Resident amenity is reduced as they cannot enjoy their properties due to the presence of bats in the reserve due to the issues raised above.

#### **4.3.2 The potential for the dispersal noise to affect residents amenity beyond Cannes Reserve, given the type of disturbance proposed and the timing of disturbance.**

The main dispersal method relies on the playing of industrial noise, this will occur over a three week period initially but may need to be replicated on an as need basis. There is likely to be disturbance over a radius of up to 300m from the reserve, where many more residents may be disturbed than are currently disturbed by the GHFF.

The noise is directional and will not apply to the full extent of the radius at all times, in addition the noise will not necessarily be played for the full three-hour period. It is likely that as the dispersal progresses and GHFF numbers reduce, the noise will need to be played less and less.

Clarification on issues around noise emission has been sort from the NSW EPA, whether the noise would be considered "Offensive Noise" under the Protection of the Environmental Operations (Noise Control) Regulations 2009. This is complicated, however, effective community consultation would need to be undertaken with the local community, the Environmental Protection Authority and other stakeholders to ensure that they are aware of any disturbance and the reasons why and what the disturbance is being undertaken. Council will need to establish a mechanism for receiving complaints and establish thresholds and contingencies based on received complaints.

#### **4.3.3 The lack of success of previous camp dispersal and colonies in undesirable locations**

The Royal Botanic Gardens undertook a dispersal of their large camp with success to date, however involving an ongoing management and monitoring process for the foreseeable future at a cost of several millions dollars. No other organisation (including Councils) has attempted dispersal in Sydney due to the large cost and unknown nature of the results.

Dispersal projects in Queensland have had mixed results to date (see Attachment 2 for detail). Ecosure (Attachment 1) experience in Queensland over the last few years have indicated that dispersals can be achieved. However, it does highlight that camps generally move only a small distance, additionally from nine dispersal attempts;

- In 3 dispersals camps moved to new locations that lead to community concern;
- Maintenance dispersal has been required on six occasions;
- Average cost has been \$188 000 with an average maintenance cost of \$66 000.

There are no guarantees as to success of the proposed dispersal and actions of the Flying-fox cannot be predicted with any accuracy.

The plan indicates that dispersal would stop if splinter camps were ongoing and if maintenance dispersal was required more than seven times and resourcing (funding) was exhausted.

**4.3.4 The potential to impact on animal welfare, both in terms of the Grey headed Flying-fox being a Threatened Species and the proposal impacting on individuals;**

The plan seeks to move the GHFF to a more appropriate location whilst ensuring the welfare of the animals. Pittwater has over 480ha of bushland reserves and the reason that the area at Cannes reserve (0.6 hectares) is favoured by GHFF is not fully understood. Dispersal activities in the reserve will not occur during the maternity period as outlined in the Federal management policy.

It is proposed that a wildlife carer be present during the undertaking of actions and the plan contains guidelines on when actions should cease, based on animal welfare. The effectiveness/results of the dispersal will be continually evaluated and may be cancelled at any time depending on a number of factors and potential scenarios that may occur.

**4.3.5 The potential for the colony to splinter and creating new colonies in undesirable locations;**

As already discussed it is unknown where the colony would relocate to. There is currently only one other camp/roost in the Pittwater LGA which is located at the Warriewood Wetlands adjacent to the Centro Shopping Centre which is currently subject to redevelopment.

There are five (5) new areas where potential camps could be established, these are identified within the report in Appendix 4 of the plan.

The risks associated with the Plan and proposed dispersal are acknowledged and that there is no guarantee of success. The Plan, where possible, provides mechanisms to reduce and mitigate these risks.

**4.3.6 The cost and resourcing given the risks involved, particularly the ongoing “maintenance dispersal” costs as the flying-foxes will likely continue to return to Cannes Reserve after and require extra dispersal effort.**

Costs have been assessed for the various works involved. However, maintenance dispersal was not incorporated within the Draft Plan. This has significant resourcing issues as there is potential that this activity will be requiring a team to be available to undertake these actions.

The current proposed costs rely on Council staff undertaking any maintenance dispersal due to the immediacy of the action. There are few current contractors within the Sydney metropolitan area that have experience in this field and the cost would be prohibitive as the actions would need to undertake on an immediate basis.

**4.3.7 OTHER ISSUES**

- The use of sprinklers was initially considered in the planning, however the logistics of setting up such a system within canopy of the reserve and its effectiveness were considered to be unfeasible.
- The Commonwealth are currently evaluating the status of the GHFF across Australia, this has been underway for some time and reporting is near. Regardless of their status this is a native animal and there will always be a need to develop humane management activities and ensure these are assessed and delivered in a humane way.

- The GHFF are significantly valued however the decision is between the rights of the residents and the needs of the GHFF camp. As discussed the camp is not considered nationally significant and the size of the camp is small in comparison to other camps in Sydney.
- In-situ management is an option and has been included in this report, the costs are much the same but these measures only manage the noise issue and do not address the residents other concerns and therefore provide only a partial solution.
- The issue of zoning is complicated, but would have some applicability in some situations. However, these are unlikely to be met here due to the location of the reserve, being in the midst of an established residential area, relatively poor access and lack of infrastructure.

#### 4.4 **AMENDMENTS TO THE FINAL PLAN**

Following the public exhibition of the Draft Cannes Reserve Flying-fox Camp Management Plan and further consultation with OEH staff, the following amendments have been made to the finalised Plan as presented with this report:

- Section 2.7.1 on Page 10 – now includes confirmation from the Department of Environment that federal approval is not required for management of the Cannes Reserve GHFF camp. Figure 2 Summary of Decision Process as included in the Draft Plan has now been removed (thus changing numbering of all following Figures in the Plan).
- Section 4.3.1 on Page 21 now includes reference to five potential alternative locations being identified and provided in Appendix 4.
- Section 8 on Page 35 has been renamed “Dispersal Strategy” (as suggested by OEH) and sub-sections of this chapter have been moved around to reflect importance with regard to impacts on both residents and the GHFF. Logistics such as both seasonal and daily dispersal timings have now been indicated upfront, and outline potential impacts to the community associated with the dispersal noise (Section 8.4) and human safety (Section 8.5). Sections entitled Monitoring, Program Evaluation, Costs and Timing then follow on with same content as in Draft Plan but are renumbered accordingly. The new Figure 7 on Page 45 provides a flow chart which highlights decision making following the three-week trial dispersal period.
- Appendix 4 – this is a new section suggested by OEH which indicates potential alternative camp habitat which the GHFF may favour as a response to dispersal – five areas have been mapped and these areas are away from residents therefore have low potential for conflict.
- Appendix 5 has been updated to now include recent Ecosure dispersals and results, in response to a request at the public meeting for these statistics to be included (they weren’t originally as Ecosure needed permissions from their previous clients for these to be published).
- Appendix 6 Dispersal Tools was Appendix 5 in the Draft Plan, has now been renumbered.

- Appendix 7 Costs of Management (also renumbered from Draft Plan) has been updated to indicate only remaining costs to minimise confusion, and has now factored in up to 20 additional days for ongoing maintenance dispersal if required. The Dispersal Trial costs have been updated as the EPBC referrals and additional SIS factored into the Draft Plan are now not required, thus the total has been reduced from \$80,032 down to \$60,930 for this section. However, a contingency has been included.
  - The Contents Page and all corresponding page numbers have been updated to reflect changes.
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## **5.0 ATTACHMENTS / TABLED DOCUMENTS**

- **ATTACHMENT 1:** Summary of submissions received
  - **ATTACHMENT 2:** Updated report on dispersal success including Ecosure dispersals
  - **TABLED DOCUMENT:** Cannes Reserve Flying-fox Camp Management Plan
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## **6.0 SUSTAINABILITY ASSESSMENT**

### **6.1 GOVERNANCE & RISK**

#### **6.1.1 Community Engagement**

- Community involvement will strongly influence decision making as residents have been affected by the flying-fox camp, and they, along with the wider Avalon community, have been consulted as to the proposed management actions and impacts.
- A community engagement plan has been completed, with input from Council's Community Engagement Unit
- Consultation with the adjacent residents and the local community has occurred regularly over the past 5 years and will continue to do so if the Plan is adopted and while management is being undertaken

#### **6.1.2 Risk Management**

There are a number of risks associated with dispersing a GHFF camp, including:

- The new location(s) of the dispersed animals is unknown and could end up in less desirable locations;
- The other current camp within the LGA is subject to redevelopment;
- Splintering the camp into other locations that are equally or more problematic (such as on private property) requiring early intervention to move them from these locations and impacting on currently non-affected residents;
- Impacts on animal welfare and conservation;
- Impacts to nearby residents associated with dispersal attempts most noticeably noise;
- High resource requirement and financial investment (see next section of report);
- Negative public perception related to dispersing flying-foxes and/or continuing impacts on residents;
- Unsuccessful dispersal attempts leading to inability to undertake further attempts and potentially exacerbating the problem;
- Reputational risk to Council if the camp is not dispersed successfully, or if the GHFF end up somewhere else undesirable;



- Have been put on notice by some organisations that legal actions may be taken against Council if the dispersal is approved.

The Plan provides some mechanisms to reduce/mitigate these risks where possible.

Appendix 5 of the Plan indicates a summary of dispersals conducted in recent years including those undertaken by the consultant Ecosure and provides an indicator of success rate of each.

## **6.2 ENVIRONMENT**

### **6.2.1 Environmental Impact**

- The proposal will impact on flora and fauna through the desired relocating of the GHFF from the reserve. The required habitat modification will also impact on the Coastal Littoral Rainforest EEC with removal of selected vegetation including canopy, within a 7 metre wide buffer zone around the edges of the reserve. The appropriate Section 91 licencing approvals for this are being sought from OEH and have already been agreed to in principle
- The proposal will create localised levels of noise pollution, as noise is one of the main tools used to disperse the GHFF during the proposed three-week trial. Specifics of the noise methods, timings and likely range are outlined on Page 35 of the Plan and have been communicated at the public meeting and via other community consultation methods.

### **6.2.2 Mitigation Measures**

- The proposal in itself is not affected by climate change impacts
- The proposal will not impact water use and management
- The proposal will not impact energy use and green-house gas emissions
- The proposal does not have implications or impacts to resource and waste management

## **6.3 SOCIAL**

### **6.3.1 Address Community Need & Aspirations**

- With the aim of the proposal to relocate the GHFF camp elsewhere, this should greatly improve the health, well-being and amenity of residents who have been impacted in the past by this issue
- The proposal, if successful, will increase the quality of cultural, community or recreational amenity available to the community, as the Gunyah Reserve playground and open space will be safer and more desirable for use with GHFF numbers significantly reduced and relocated away from this facility

### **6.3.2 Strengthening local community**

- If successful, the reduction/relocation of GHFF in the vicinity will appease the currently affected residents. The impacts on other residents in the area and wider community are unknown and may differ from that of the currently affected residents. The consultation process has enabled the community to have a voice regarding the proposal

- The proposed management of the GHFF highlights how conflict can occur between wildlife and residents in some urban situations. By reducing the impacts of the GHFF on humans, it will hopefully improve appreciation of the species and education about its important role in ecology

#### 6.4 **ECONOMIC**

##### 6.4.1 **Economic Development**

Nil

Report prepared by  
Matt Hansen – Principal Officer Natural Environment & Education

Mark Beharrell  
**MANAGER, NATURAL ENVIRONMENT & EDUCATION**

## **Review of Submissions**

Submissions have been separated into the following themes and issues;

1. Impacts of the GHFF camp on residents
2. Impacts to the GHFF camp/species as a result of dispersal
3. Impacts on residents welfare as caused by the dispersal methods
4. Miscellaneous suggestions

### **1. Impacts of the GHFF camp on residents**

A total of twenty (20) submissions were received from residents living in the vicinity of Cannes Reserve, who have stated (in summary) the following:

- All are 100% in support of the Cannes Reserve Flying-fox Camp Management Plan, in particular the proposed dispersal; they have been waiting years for something to happen and are sick of the in-situ management to date, which hasn't worked;
- The noise emanating from the GHFF camp, both night and day is unbearable and has resulted in sleep deprivation and numerous other health and welfare issues;
- The odour, particularly after rain, is also unbearable; the solution to have to shut windows is unfair especially in hot periods;
- Damage to houses, balconies, cars and washing from dropping of excrement;
- Unable to enjoy outdoor spaces and private amenity, as well as the local playground at Gonyah Reserve;
- Impact on property values, rental returns etc, leading to inability to sell or lease houses at acceptable rates; residents feel trapped in this situation; people suggest "if you don't like it then move" but they can't even though they want to;
- Sick of hearing from wildlife lovers who do not live there and cannot fathom what it is like to endure the impacts, and nobody ever accepts any offers to experience it for themselves;
- Cannes Reserve once contained beautiful bushland with diverse wildlife, no longer the case as GHFF have ruined it;
- The GHFF have enjoyed protection at the cost of the local residents who have suffered at their expense;
- Happy to put up with three weeks of dispersal noise and even happy to help out with it;
- Not happy to accept double-glazing and air-conditioning as a solution, it doesn't really work and won't resolve the whole issue so would be a waste of time and money.

In addition, a further thirty-four (34) submissions were received from family and friends of the residents in their support for the Plan. These submissions reiterated some of the above points, some with first-hand experience of the issue through having stayed with or visited residents in the past.

## **2. Impacts to the GHFF camp/species as a result of dispersal**

A total of twelve (12) submissions were received from members of the wider public who have stated (in summary) the following:

- Dispersal is stressful for the GHFF and inhumane; the Plan contradicts itself saying that triggers will be used if the GHFF appear stressed, yet whole point of the dispersal is to stress the animals enough to leave;
- Highly detrimental to the species to disperse so close to their third trimester;
- The GHFF will be forced to less suitable places, to face new confrontation and conflicts, and Council has no plan to deal with this, they will be liable; also potentially just transferring the problem to another LGA for that council to deal with;
- The identification of ideal locations for relocation in the Plan is naïve and misleading;
- Plan does not sufficiently address impacts to other wildlife in the reserve including threatened species;
- Members of the public may come into contact with stressed and confused GHFF which then increases the health risk;
- History of previous dispersals show that the majority are unsuccessful;
- The Plan and the proposed dispersal are a huge waste of ratepayer money for just a few aggrieved residents, it would be better to undertake double-glazing, reverse-cycle air conditioning or rezoning to address resident concerns; also there are more pressing community issues for Pittwater to spend the Council budget on;
- Costs associated with proposed Plan will be borne by all ratepayers yet benefit only a small few, but consequences of dispersal may ultimately impact a larger amount of ratepayers.

## **3. Impacts on residents welfare as caused by the dispersal methods**

A total of five (5) submissions were received from both residents living in the vicinity of the dispersal but not adjacent to Cannes Reserve, as well as from members of the wider public, who have stated (in summary) the following:

- Strongly opposed to noise being played at early hours of the morning, the noise being played will keep everyone awake in the valley, including people not impacted by the GHFF;
- Installation of canopy sprinklers should be used, this has been done with great success in tourist locations in the Northern Territory;
- The vicinity of Cannes Reserve should be rezoned to allow community business uses which would not be impacted by the GHFF camp, and not having residents in such close proximity;
- The threatened status of the GHFF should be revoked in urban areas.

It is also worth noting that many of the above submissions, on both sides of the argument were complimentary of Council's efforts to try to resolve the issue and for keeping the public informed.

## Updated Summary of Dispersal Success including Ecosure Dispersals



## Appendix 5 Summary of previous dispersal attempts

Ecosure has managed nine flying-fox camp dispersals since 2010. In summary<sup>3</sup>:

- all individuals were successfully dispersed from the original camp in seven dispersals
- one or more new camps formed as a result of dispersal at five of these locations
- on three occasions the roost to which flying-foxes relocated created some community concern
- flying-foxes were moved an average of 2.6 km
- follow-up dispersal has been required to date at six of the original/new camps
- the average amount per initial dispersal was \$188,000 (all direct and indirect costs including assessment, permitting, equipment, lost time to other projects for council staff, etc.)
- the average amount per year of maintenance dispersal (where it was required) was \$66,000 (all direct and indirect costs including assessment, permitting, equipment, lost time to other projects for council staff, etc.)

The following table summarises all known flying-fox roost dispersals between 1990 and 2013<sup>4</sup>. N.B. These are all known dispersals during this period (not only Ecosure dispersals).

<sup>3</sup> more detailed information cannot be provided without relevant client permissions.

<sup>4</sup> Source: Roberts and Eby 2013, *Review of past flying-fox dispersal actions between 1990-2013*.

Location	Species	FF population estimate at time of dispersal	Method	Did the animals leave the local area?	Did the local population reduce in size?	How far did they move?	Were new roosts formed (number of new roosts if known)?	Number of separate actions	Cost (if known)	Was conflict resolved at the original site?	Was conflict resolved for the community?
Barcaldine, Qld	R	>50,000	VN	no	no	≈2 km	yes (1)	trees in township felled		yes	no
Batchelor, NT	B	200	BNS	no	no	<400 m	yes (1)	2		yes	yes
Boyne Island, Qld	BR	25,000	LNS	no	no	<500 m	yes (2)	3		yes	no
Bundall, Qld <sup>5</sup>	GB	1580	V	uk	no	uk, but 7 roosts were within 5 km	no	1	\$250,000	yes	uk
Charters Towers, Qld	RB	variable	HLNPOW	no	no	200 m	no (returned to original site)	repeated since 2000	>\$500,000	no	no
Dallis Park, NSW	BG	28,000	V	no	yes	300 m	yes (1)	2		yes	no
Duaringa, Qld	R	>30,000	VNFO	no	no	400 m	yes	1	\$150,000	yes	uk
Gayndah, Qld	RB	200,000	VN	no	no	600 m	yes	3 actions, repeated		yes	no
Maclean, NSW	BGR	20,000	NS	no	no	350 m	yes (7)	>23	>\$400,000 and ongoing	no	o
Mataranka, NT	BR	>200,000	BHLNOSW	no	no	<300 m	uk	>9		no	no
North Eton, Qld	B	4800	VNFB	uk	no	<1.5 km initially	yes (=4 majority temporary)	2	45,000	yes	yes (conflict at one site)

<sup>5</sup> Bundall information amended from Roberts and Eby (2013) based on Ecosure's direct involvement and understanding of roost management activities and outcomes.

Location	Species	FF population estimate at time of dispersal	Method	Did the animals leave the local area?	Did the local population reduce in size?	How far did they move?	Were new roosts formed (number of new roosts if known)?	Number of separate actions	Cost (if known)	Was conflict resolved at the original site?	Was conflict resolved for the community?
Royal Botanic Gardens, Melbourne, Vic	G	30,000	NS	no	no	6.5 km	yes (2)	6 mths	\$3 million	yes	yes, ongoing management required
Royal Botanic Gardens, Sydney, NSW	G	3,000	LNPOW	no	no	4 km	no	ongoing daily actions for 12 mths	>\$1 million and ongoing	yes	yes
Singleton, NSW	GR	500	LNLUW	no	no	<900 m	no (returned to original site)	>3	\$117,000 and ongoing	no	no
Townsville, Qld	BR	35,000	BNS	no	no	400 m	no (returned to original site)	5		no	no
Warwick, Qld	GRB (dispersal targeted R)	200,000	NLBP	no	no	≈1 km	no (site known to be previously occupied by GB)	5 days	\$28,000	yes	uk (complaints persisted until migration)
Young, NSW	L	<5000	VN	no	no	<600 m	yes (1)	uk		yes	no

\* G = grey-headed flying-fox; B = black flying-fox; R = little red flying-fox; uk = unknown

# B = "birdfrite"; F = fog; H = helicopter; L = lights; N = noise; P = physical deterrent; O = odour; S = smoke; U = ultrasonic sound; V = extensive vegetation removal;

W = water.

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<b>C11.3</b>	<b>Report on Conference Attendance - Paint the Town REaD - 25-26 March 2015</b>
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**Meeting:** Leading and Learning Committee

**Date:** 20 April 2015

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**COMMUNITY STRATEGIC PLAN STRATEGY:** Corporate Management

**COMMUNITY STRATEGIC PLAN OBJECTIVE:**

- To provide leadership through ethical, accountable and legislative decision-making processes
- To ensure local democratic representation
- To engage proactively with the community in a way that is consistent, appropriate and effective
- To ensure effective and cooperative management by providing equitable and transparent business processes
- To facilitate timely, legible and accurate information to the public
- To ensure Council's future financial sustainability
- To foster shared resourcing through regional partnerships

**DELIVERY PROGRAM ACTION:**

Leading an effective and Collaborative Council and Enhancing our Working & Learning

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**1.0 EXECUTIVE SUMMARY**

**SUMMARY**

Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors – provides that following attendance at a Conference authorised under this Policy the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.

Councillor Ferguson's report, following her attendance at the 5<sup>th</sup> National Paint the Town REaD Conference held in Wollongong from 25-26 March 2015 is attached (refer **Attachment 1**) for Council's information.

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**2.0 RECOMMENDATION**

**That the information provided in the report be noted.**

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**3.0 BACKGROUND**

**3.1 PURPOSE**

To advise Council of Councillor Ferguson's report following her attendance at the 5<sup>th</sup> National Paint the Town REaD Conference held in Wollongong from 25-26 March 2015.



### 3.2 BACKGROUND

Council's Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors provides that:

*'Conference Reporting:*

*Following attendance at a Conference authorised under this Policy, the relevant Councillor is required to submit a report of approximately one page in length to the community via the Council's Agenda papers on the outcomes of the Conference, with particular emphasis as to any outcomes affecting Pittwater.'*

On 12 November 2014, under delegated authority, the General Manager approved Councillor Townsend's attendance at the NSW Public Libraries Conference.

Councillor Ferguson attended the conference as Cr Townsend's representative.

Councillor Ferguson's report is attached.

### 3.3 POLICY IMPLICATIONS

- Policy No 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors.

### 3.4 RELATED LEGISLATION

Local Government Act 1993

### 3.5 FINANCIAL ISSUES

#### 3.5.1 Budget

- Sufficient monies were available in the current budget for Cr Ferguson's attendance.

#### 3.5.2 Resources Implications

- Nil implications

### 3.0 KEY ISSUES

This report is in response to Council's Policy 145 – Policy for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors – Conference Reporting.

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### 4.0 ATTACHMENTS / TABLED DOCUMENTS

**ATTACHMENT 1** - Councillor Ferguson's report, following attendance at the 5<sup>th</sup> National Paint the Town REaD Conference held in Wollongong from 25-26 March 2015

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### 5.0 SUSTAINABILITY ASSESSMENT

No sustainability assessment is required for this report.

Report prepared by  
Kim Reading, Executive Assistant to Mayor & Councillors

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

**REPORT THE 5<sup>TH</sup> NATIONAL PAINT THE TOWN READ CONFERENCE HELD IN  
WOLLONGONG FROM 25-26 MARCH 2015**

I recently attended the Paint the Town REaD, in Wollongong, on Thursday 26 March. Paint the Town REaD (PTTR) is an early literacy collective impact strategy with the aim of encouraging all levels of the community to support the development of children's early literacy skills from birth.

Research data shows the importance of early literacy skills developed before starting school. They are the foundation and vital for attaining competency in reading and writing at school – and future success and happiness in life.

More than 20% of Australian children arrive at school without the skills necessary to make the most of their early education. Research shows that no matter how good their subsequent teaching, these children can fall further and further behind. They may struggle with literacy, employment, health and happiness for the rest of their lives.

Paint the Town REaD works to overcome this by motivating communities across Australia to read, talk, sing and rhyme with their children so they're ready to learn to read and write at school. They partner with Local Government Agencies to form Paint the Town REaD groups in their communities. It is up to each group to organise its own year-round events, as well as an annual Reading Day. This brings the whole community together around the message: 'Read, talk, sing and rhyme with your child from birth'. Like grandparents reading to children in school, many would like to see this brought forward to preschool.

The passion behind this initiative was almost overwhelming. Children are precious and deserve to have the best start in life. For more information, <http://www.paintthetownread.info/about/>

Whilst in Wollongong I was also able to inspect the Thirroul Beach Play Space, and the Holborn Park Precinct. Both wonderful places, for children of all ages, to play.

Kylie Ferguson  
**COUNCILLOR**

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## **Sustainable Towns and Villages Committee**

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### **12.0 Sustainable Towns and Villages Committee Business**

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<b>C12.1</b>	<b>N0303/14 - 1442 Pittwater Road North Narrabeen - Demolition of existing structures, construction of a 2, 3 and 4 storey shop top housing development: ground level retail and parking and 34 residential apartments over basement parking</b>
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**Meeting:** Sustainable Towns and Villages

**Date:** 20 April 2015

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**COMMUNITY STRATEGIC PLAN STRATEGY:** Land Use & Development

**COMMUNITY STRATEGIC PLAN OBJECTIVE:**

- To deliver a comprehensive suite of development controls that improve the liveability of the area

**DELIVERY PROGRAM ACTION:**

Provide an effective development assessment and determination process

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## **1.0 EXECUTIVE SUMMARY**

### **1.1 SUMMARY**

The Development Unit at its meeting held on the 12 March 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of DA N0303/14 for the demolition of existing structures and construction of a 2, 3 and 4 storey shop top housing development comprising ground level retail and parking and 34 residential apartments over basement parking at 1442 Pittwater Road, North Narrabeen NSW 2101.

- 1.2 It is a policy requirement of the NSW Department of Planning that applications involving a State Environmental Planning Policy No. 1 (SEPP 1) objection supporting a variation to a development standard of more than 10% be referred to the elected Council for determination. The actual variation has been determined to be 22.3%.
  - 1.3 The Development Unit received representations from one (1) respondent raising issues of flooding, excavation over an old swamp, ground water bypass systems and technical issues of constructing the building. The Applicants' two (2) Consultant Architects spoke in favour of the Assessing Officer's report but sought to have Condition B 15 deleted as the issues were addressed by other conditions contained in the draft consent
  - 1.4 The Development Unit considered the issues raised by the respondent and the applicants representatives and the Assessing Officer's report and supported the officer's recommendation for approval subject to the conditions contained in the draft consent, subject to the amendment of condition C14 and the deletion of condition B15.
- 

## **2.0 RECOMMENDATION**

**That the recommendation of the Development Officer be endorsed and Development Application N0303/14 for demolition of the existing structures and the construction of a 2, 3 and 4 storey shop top housing development comprising ground level retail and parking and 34 residential apartments over basement parking at 1442 Pittwater Road North Narrabeen NSW 2101 be recommended for development consent subject to the draft conditions of consent attached and the following amended and deleted conditions of consent:**

Deleted condition:

**B15**

Amended condition:

**C14: The basement structure is to be designed as a tanked structure. Detailed design drawings are to be submitted with the application for the Construction Certificate.**

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### **3.0 BACKGROUND**

#### **3.1 PURPOSE**

To seek endorsement of the Development Unit's recommendation following consideration of Development Application N0303/14 for demolition of existing structures and the construction of a 2, 3 and 4 storey shop top housing development comprising ground level retail and parking and 34 residential apartments over basement parking at 1442 Pittwater Road, North Narrabeen NSW 2101.

#### **3.2 BACKGROUND**

The Development Unit at its meeting held on the 12 March 2015 considered the Development Officer's report (refer **Attachment 1**) for determination of DA N0303/14 for demolition of existing structures and the construction of a 2, 3 and 4 storey shop top housing development comprising ground level retail and parking and 34 residential apartments over basement parking at 1442 Pittwater Road, North Narrabeen NSW 2101.

Despite the height variation the Development Unit considered that the merits of the application warranted support of the Assessing Officer's recommendation for approval.

#### **3.3 POLICY IMPLICATIONS**

The NSW Department of Planning requires that applications involving a State Environmental Planning Policy No. 1 (SEPP 1) objection supporting a variation to a development standard of more than 10% be referred to the elected Council for determination. After the deletion of the uppermost level the actual variation has been determined to be 22.3%.

The Assessing Officer's evaluation of the height variation is provided at Section 4.6 of his report titled "Exceptions to Development Standards".

#### **3.4 RELATED LEGISLATION**

Council are the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979.

#### **3.5 FINANCIAL ISSUES**

##### **3.5.1 Budget**

- No implications

##### **3.5.2 Resources Implications**

- No implications

#### **4.0 KEY ISSUES**

- Variation of the Development standard for height
  - Other issues as addressed within the assessing officer's report
- 

#### **5.0 ATTACHMENTS / TABLED DOCUMENTS**

**ATTACHMENT 1** – Assessing Officer's report to the Development Unit meeting of the 12 March 2015

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#### **6.0 SUSTAINABILITY ASSESSMENT**

The relevant sustainability assessments have been addressed in the attached assessing officer's report.

Report prepared by

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**

**SUBJECT: N0303/14 - 1442 Pittwater Road North Narrabeen - Demolition of existing structures, construction of a 2, 3 and 4 storey shop top housing development: ground level retail and parking and 34 residential apartments over basement parking**

**Meeting:** Development Unit

**Date:** 12 March 2015

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### **SUMMARY OF RECOMMENDATION**

#### **Consent with Conditions**

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<b>REPORT PREPARED BY:</b>	<b>Gordon Edgar</b>
<b>APPLICATION SUBMITTED ON:</b>	<b>03/09/2014</b>
<b>APPLICATION SUBMITTED BY:</b>	<b>TREND LIVING PTY LTD</b>
<b>OWNER(S):</b>	<b>B R G D HOLDINGS PTY LTD</b>

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### **RECOMMENDATION OF DEVELOPMENT OFFICER / PLANNER**

That Council as the consent authority pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 grant consent to Development Application N0303/14 for demolition of existing structures and the construction of a 2, 3 and 4 storey shop top housing development comprising ground level retail and parking and 34 residential apartments over basement parking at 1442 Pittwater Road North Narrabeen NSW 2101 subject to the draft conditions of consent attached.

Report prepared by  
Gordon Edgar, Executive Planner

Andrew Pigott  
**MANAGER, PLANNING & ASSESSMENT**

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**SUBJECT: N0303/14 - 1442 PITTWATER ROAD, NORTH NARRABEEN NSW 2101 Demolition of existing structures and the construction of a 2, 3 and 4 storey shop top housing development comprising ground level retail and parking and 34 residential apartments over basement parking**

**Determination Level:**

**Development Unit**

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**SUMMARY OF RECOMMENDATION:**

**CONSENT WITH CONDITIONS**

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**REPORT PREPARED BY:**

Gordon Edgar

**APPLICATION SUBMITTED ON:**

3 September 2014

**APPLICATION SUBMITTED BY:**

TREND LIVING PTY LTD  
PO BOX 600  
SPIT JUNCTION NSW 2088

**OWNER(S):**

B R G D HOLDINGS PTY LTD

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## **1.0 SITE DETAILS**

The subject site is known as 1442 Pittwater Road, North Narrabeen. It has a legal description of Lot 100 in DP 606248. It is located on the eastern side of Pittwater Road between Walsh Street and Berry Street.

The subject site is 'L-shaped', having a total area of 3,277sqm. It has a frontage of 73.755m to Pittwater Road, a 3.745m long splay corner at the corner of Pittwater Road and Walsh Street and, a 46.16m long frontage to Walsh Street.

The subject site is currently occupied by a commercial building that is primarily one storey in height and with a small 2 storey component in the south-east corner of the Site. An at-grade bitumen car park occupies most of the Pittwater Road and Walsh Street front setback area. There are 2 existing crossovers, one each to Pittwater Road and to Walsh Street. A small number of trees are dotted along the Walsh Street frontage to the Site.

Existing adjoining development includes a 3 storey residential flat building constructed of rendered masonry and with a steel roof at 1440 Pittwater Road, immediately to the south of the Site. It also adjoins a portion of the eastern boundary of the Site. At both the southern and eastern boundaries, this adjoining building has a nil setback to the common property boundary shared with the subject site.

Also adjoining the subject site to the east along Walsh Street is 3 Walsh Street, North Narrabeen. This adjoining property is occupied by a single storey weatherboard cottage with a corrugated iron roof and a metal shed and metal clad studio in the rear yard.

No. 4 Berry Avenue adjoins the south-east corner of the Site. This property contains a single storey concrete block and brick building.

Together with 1440 Pittwater Road and 4 Berry Avenue, the subject site makes up a small commercial neighbourhood centre being zoned B1 Neighbourhood Centre. The adjoining property at 3 Walsh Street and properties further east of 3 Walsh Street and from 6 Berry Avenue are all zoned R2 Low Density Residential.

On the opposite side of Pittwater Road and Walsh Street from the Site, properties are generally developed with single dwelling-houses.

## **2.0 PROPOSAL IN DETAIL**

It is proposed to construct a part 3 / part 4 storey shop top housing development over one basement level and at-grade parking. The development will contain a total of 34 residential units, 4 retail premises and 94 car parking spaces.

### **3.0 STATUTORY AND POLICY CONSIDERATIONS**

The site is zoned B1 Neighbourhood Centre under Pittwater Local Environmental Plan 2014. Pursuant to the land use table in Part 2 of this instrument, shop top housing development is permissible with consent.

The following relevant state, regional and local policies and instruments apply:

- Environmental Planning and Assessment Act, 1979 (the Act)
- Environmental Planning and Assessment Regulation 2000 (the Regulation)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)
- State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development (SEPP 65)
- Pittwater Local Environmental Plan 2014 (PLEP 2014)
- • Acid Sulphate Soils Map - Area 3
- • Height of Buildings Map - 8.5m
- Pittwater 21 Development Control Plan (P21 DCP)
  - Warriewood Locality
  - Flood Risk Management Policy for Development in Pittwater

#### **Variation to development standards:**

The proposal includes a variation to the maximum building height development standard and the maximum density development standard. Refer to Clause 4.6 discussion under section 8.0 of this report for detailed assessment.

### **4.0 BACKGROUND**

A previous Development Application (N0760/03) affecting the subject site was approved on 15 October 2004 by the Land and Environment Court. This DA also included a commercial building on 4 Berry Street. This building has been constructed. The previous Court approval also included a 3-4 storey shop top housing development for 28 units, ground floor supermarket/retail area and 141 parking spaces. Given the construction of the building at 4 Berry Street, this development application has been substantially physically commenced and remains valid.

### **5.0 NOTIFICATION**

29 adjoining property owners were notified of the Application and it was advertised in the Manly Daily. The notification period was for 32 days between 11 September 2014 and 13 October 2014. As a result of the notification of the Application, 1 objection was received from the Body Corporate of the adjoining property at 1440 Pittwater Road. The issues raised in this submission are addressed in the body of this report.

In addition to the above notification process undertaken by Council, the Applicant also held a community consultation session and provided the results of this process to Council. This assisted in increasing the level of awareness and understanding of the proposal within the local community. The issues raised at these sessions are addressed in the body of this report.

## 6.0 ISSUES

- 4.3 Height of buildings
- 4.5A Density controls for certain residential accommodation
- 4.6 Exceptions to development standards
- 3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)
- 4.1 Integrated Development: Water Supply, Water Use and Water Activity
- B2.6 Dwelling Density and Subdivision - Shop Top Housing
- B3.6 Contaminated Land and Potentially Contaminated Land
- B3.13 Flood Hazard - Flood Category 1 - Low Hazard - Shop Top Housing, Business and Industrial Development
- B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land
- B6.6 Off-Street Vehicle Parking Requirements - All Development other than Low Density Residential
- B8.1 Construction and Demolition - Excavation and Landfill
- C1.5 Visual Privacy
- C1.6 Acoustic Privacy
- C1.24 Public Road Reserve - Landscaping and Infrastructure
- D14.8 Side and rear building line

## 7.0 COMPLIANCE TABLE

- T - Can the proposal satisfy the technical requirements of the control?
- O - Can the proposal achieve the control outcomes?
- N - Is the control free from objection?

Control	Standard	Proposal	T	O	N
<b>Pittwater Local Environmental Plan 2014</b>					
Zone B1 Neighbourhood Centre			Y	Y	Y
4.3 Height of buildings	8.5m maximum height or 8m above FPL. FPL is RL 4.39m, thus 8m above FPL is RL 12.39m.	Proposed maximum height is 13.9m with a maximum ridge height of RL 16.89m. Refer to discussion below.	N	Y	Y
4.5A Density controls for certain residential accommodation	Maximum density of 1 dwelling per 150sqm of site area. The Site area is 3,277sqm which would yield a maximum number of 21.8 units.	34 dwellings proposed. Refer to discussion below.	N	Y	Y

Control	Standard	Proposal	T	O	N
4.6 Exceptions to development standards	Maximum Height: 8.5m or 8m above FPL (which is 4.39AHD) Maximum Density: 1 dwelling per 150sqm of site area.	The proposal includes a variation to the maximum building height development standard and the maximum density development standard. Refer to Clause 4.6 discussion under section 8.0 of this report for detailed assessment.	N	Y	Y
7.1 Acid sulfate soils		Acid Sulphate Region 3 and Assessment Report and Management Plan submitted (Environmental Investigation Services, 8 July 2014).	Y	Y	Y
7.2 Earthworks			Y	Y	Y
7.3 Flood planning			Y	Y	Y
7.10 Essential services			Y	Y	Y
<b>Pittwater 21 Development Control Plan 2014</b>					
3.1 Submission of a Development Application and payment of appropriate fee			Y	Y	Y
3.2 Submission of a Statement of Environmental Effects			Y	Y	Y
3.3 Submission of supporting documentation - Site Plan / Survey Plan / Development Drawings			Y	Y	Y
3.4 Notification			Y	Y	Y
3.5 Building Code of Australia			Y	Y	Y
3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)	SEPP 65 applies to the development. refer to discussion below for assessment.		Y	Y	Y
4.1 Integrated Development: Water Supply, Water Use and Water Activity		Refer to discussion below.	Y	Y	Y
6.2 Section 94 Contributions: Open Space Bushland and Recreation	S.94 Contribution is 34 x \$9,000 = \$306,000		Y	Y	Y
6.3 Section 94 Contributions: Public Library Services	S.94 Contribution is 34 x \$2,000 = \$68,000		Y	Y	Y
6.4 Section 94 Contributions: Community Service Facilities	S.94 Contribution is 34 x \$3,500 = \$119,000		Y	Y	Y
6.5 Section 94 Contributions: Village Streetscapes	S.94 Contribution is 34 x \$5,000 = \$170,000		Y	Y	Y
A1.7 Considerations before consent is granted			Y	Y	Y
A4.14 Warriewood Locality			Y	Y	Y
B1.4 Aboriginal Heritage Significance		No apparent issues.	Y	Y	Y

Control	Standard	Proposal	T	O	N
B2.6 Dwelling Density and Subdivision - Shop Top Housing	The commercial/retail component of the development must be a minimum of 25% of the gross floor area of the building.	Refer to discussion below.	Y	Y	Y
B3.6 Contaminated Land and Potentially Contaminated Land		Refer to discussion below.	Y	Y	Y
B3.13 Flood Hazard - Flood Category 1 - Low Hazard - Shop Top Housing, Business and Industrial Development			Y	Y	Y
B3.23 Climate Change (Sea Level Rise and Increased Rainfall Volume)			Y	Y	Y
B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land		Refer to discussion below.	Y	Y	Y
B5.1 Water Management Plan			Y	Y	Y
B5.2 Wastewater Disposal			Y	Y	Y
B5.4 Stormwater Harvesting			Y	Y	Y
B5.9 Stormwater Management - Water Quality - Other than Low Density Residential			Y	Y	Y
B5.10 Stormwater Discharge into Public Drainage System			Y	Y	Y
B6.2 Access Driveways and Works on the Public Road Reserve- All Development other than Low Density Residential			Y	Y	Y
B6.4 Internal Driveways - All Development other than Low Density Residential			Y	Y	Y
B6.6 Off-Street Vehicle Parking Requirements - All Development other than Low Density Residential	32 retail parking spaces required, adequate loading with 1 disabled space. Residential parking required is 72 spaces including 18 visitor spaces and provision for removalist/emergency/garbage vehicles. 12 bicycle racks.	27 retail parking spaces provided including 1 disabled space. 67 residential car spaces provided including 13 visitor spaces, 9 disabled spaces and 1 combined visitor space / wash bay and 12 bicycle racks. Refer to discussion below.	N	Y	Y
B6.10 Transport and Traffic Management - All Development other than Low Density Residential			Y	Y	Y
B8.1 Construction and Demolition - Excavation and Landfill		Refer to discussion below.	Y	Y	N
B8.2 Construction and Demolition - Erosion and Sediment Management			Y	Y	Y

Control	Standard	Proposal	T	O	N
B8.3 Construction and Demolition - Waste Minimisation			Y	Y	Y
B8.4 Construction and Demolition - Site Fencing and Security			Y	Y	Y
B8.5 Construction and Demolition - Works in the Public Domain			Y	Y	Y
B8.6 Construction and Demolition - Traffic Management Plan			Y	Y	Y
C1.1 Landscaping		For comment see B4.5 and comments from Council's Landscape Architect under C1.24.	Y	Y	Y
C1.2 Safety and Security			Y	Y	Y
C1.3 View Sharing			Y	Y	Y
C1.4 Solar Access		Proposal achieves the required minimum 3hrs solar access to adjoining development during midwinter and to 70% of units proposed.	Y	Y	Y
C1.5 Visual Privacy		Refer to discussion below.	Y	Y	Y
C1.6 Acoustic Privacy		Refer to discussion below.	Y	Y	Y
C1.7 Private Open Space			Y	Y	Y
C1.9 Adaptable Housing and Accessibility			Y	Y	Y
C1.10 Building Facades			Y	Y	Y
C1.12 Waste and Recycling Facilities			Y	Y	Y
C1.13 Pollution Control			Y	Y	Y
C1.15 Storage Facilities			Y	Y	Y
C1.18 Car/Vehicle/Boat Wash Bays			Y	Y	Y
C1.23 Eaves			Y	Y	Y
C1.24 Public Road Reserve - Landscaping and Infrastructure		Refer to discussion below.	Y	Y	Y
C1.25 Plant, Equipment Boxes and Lift Over-Run			Y	Y	Y
C2.12 Protection of Residential Amenity			Y	Y	Y
C2.16 Undergrounding of Utility Services			Y	Y	Y
C5.11 Third Party Signage			Y	Y	Y
D14.1 Character as viewed from a public place			Y	Y	Y
D14.2 Scenic protection - General			Y	Y	Y
D14.3 Building colours and materials			Y	Y	Y

Control	Standard	Proposal	T	O	N
D14.7 Front building line		Refer to discussion under 3.6 regarding SEPP 65 Design Quality Principle 'Built Form' and the need for the development to comply with the 3.5m minimum front building setback control.	Y	Y	Y
D14.8 Side and rear building line	3m side setback to 3 Walsh Street. No setback requirements to 1440 Pittwater Road.	Side setback to 3 Walsh Street at basement level 2m, ground level variable between 2.03m and 7.6m, 4.115m to 6.34m at Level 1, 13m minimum at Level 2. Side (southern) setback to 1442 Pittwater Rd nil at Basement, Ground, Level 1 & Level 2. Rear (eastern) setback to 1440 Pittwater Rd: Nil at Basement & Ground Level, 5.8m to balcony edge and 8.42m to 9.42m to external wall at Level 1 and, 6.82m to balcony edge and 9.4m to external wall at Level 2. Refer to discussion below.	N	Y	Y

## 8.0 DISCUSSION OF ISSUES

### • 4.3 Height of buildings

With a maximum height of 13.9m and a maximum ridge height of RL 16.89m, the proposal does not comply with the applicable maximum height development standard of 8.5m, nor does it comply with the permitted maximum height of 8m above FPL or RL12.39m.

A submission under clause 4.6 of PLEP 2014 has been submitted in support of the proposal and requesting that the maximum building height development standard be varied in the circumstances. This clause 4.6 submission is considered in detail under the Clause 4.6 section in this report.

It is concluded that the clause 4.6 submission for a variation to the maximum building height development standard is supportable provided that the uppermost floor nominated as "Level 3" in the plans is deleted entirely. This will reduce the extent of the numerical non-compliance with the 8.5m height limit from 13.9m (63.5% variation) to a maximum height of 12.7m (49.4% variation) due to the clerestory window features over Level 2. There would be a predominant height of 11.7m height (37.6% variation) to the majority of the roof ridge over Level 2. Some blade wall features will also protrude beyond the maximum height control although these are considered desirable to provide some vertical articulation and balance to the horizontal character of the building.

With regard to the permitted variation to the height limit of up to 8m above the FPL (4.39 AHD), the deletion of the uppermost floor would result in the roof ridge being reduced from 16.89AHD down to 14.18AHD for the majority of the roof of Level 2. This would represent a reduction in the variation to the control from 56.3% down to a 22.3% variation from the permitted maximum ridge level of 12.89 AHD. Given that the FPL height variation is applicable in this circumstance, this is the applicable quantification of the height variation that would remain following the recommended deletion of the top floor.

Thus, subject to the recommended condition requiring the deletion of the topmost floor of the development, it is considered that the proposed variation to the maximum height development standard is acceptable.

- **4.5A Density controls for certain residential accommodation**

The proposal will include 34 dwellings which does not comply with the maximum permitted density of 21.84 dwellings under cl.4.5A of PLEP 2014. A submission under clause 4.6 of PLEP 2014 has been submitted in support of the proposal and requesting that the maximum density standard be varied in this case. This submission is assessed in detail under the 4.6 section of this report.

It is concluded that the clause 4.6 submission for a variation to the maximum density development standard is supportable provided that the uppermost floor nominated as "Level 3" in the plans is entirely deleted. This will reduce the number of bedrooms in the development and achieve a more acceptable built form outcome than what would be achieved by the current proposal or the previously approved development for this site. This existing previous approval is still valid as it has physical commencement and could be acted upon at any time. From a urban design quality point of view, it would be preferable that the current proposal is constructed upon the Site rather than the previously approved development.

Subject to the recommended condition requiring the deletion of the topmost floor of the development, it is considered that the proposed variation to the maximum dwelling density standard is supportable.

- **4.6 Exceptions to development standards**

**Maximum Building Height**

Clause 4.3 of PLEP 2014 sets a maximum building height for the subject site of 8.5m or up to 8m above the applicable FPL. The applicable FPL is 4.39 AHD, thus the maximum permitted RL for the ridge of the building is 12.39 AHD.

The proposal has a maximum height of 13.9m above existing ground level and a ridge level at 12.89 AHD. These non-compliances represent a 63.5% variation and a 56.3% variation respectively.

The Application has included a clause 4.6 submission addressing the above numerical non-compliance with the maximum building height development standard.

The clause 4.6 submission has addressed the objectives of the maximum building height development standard, as set out in cl.4.3(1). In regard to the objectives, the following points are made in the cl.4.6 submission:



- The height and scale of the development is consistent with the desired future character of the locality in that the development will not overly dominate the visual catchment of the surrounding area and, whilst it may be higher than immediately surrounding development, it would be compatible with this surrounding development nonetheless. Also, the exceedence of the height limit does not result in any significant external amenity or environmental impacts on surrounding development and land. It is appropriately stepped down to adjoining buildings of lower height with its highest point appropriately located on the corner of the Site away from adjoining development.
- If the development were to comply with the relevant height standard of 8m above FPL, it would be restricted to a 2 storey building which would be inconsistent with built form in the area, which is generally 3 storeys. Moreover, if the development were to comply with the height limit, then this would restrict its ability to meet the density standard. The height control contradicts the density control. Also, the main reason that the development is marginally taller than surrounding development is because the Council has recently raised the minimum FPL from 3.2AHD to 4.39AHD.
- With the exception of a marginal height increase due to the increase in the FPL, the proposal is consistent, in terms of built form, with the development that was approved by the Land and Environment Court and was considered to be a built form outcome that was appropriate in its context.
- The proposal maintains acceptable levels of shadows to adjoining properties notwithstanding the height non-compliance. Increased setbacks and separation has been employed in the building design to minimise overshadowing impacts on adjoining properties to the south. In comparison to the current approved DA, the proposal increases solar access to adjoining properties.
- The proposal does not cause any unreasonable loss of significant views to surrounding properties or within the area or from the public domain.
- The development responds appropriately to the generally flat topography and flood hazard affecting the site.
- The building has been designed to present as a building of high architectural standard and positively contribute to the streetscape as a visually attractive building.

The cl.4.6 submission also argues that the underlying object of the development standard would be thwarted if compliance were required in this instance as compliance would restrict the development to 2 storeys and this height would not be consistent with the built character of the immediate area in the same zone which is typically 3 storeys in height.

#### Planner's Assessment

Generally speaking, it is considered that all of the above arguments have merit. However, concern is raised over the extent of the numerical non-compliance as it would constitute a 56.3% variation to the maximum permitted 8m above the FPL.

The proposal has a 4 storey element on the corner of the Site. The non height-compliant portion of the building includes a portion of Level 2 and all of Level 3 (ie the third and fourth floors). Although the upper floor is limited in size, restricted to the corner location and set back from the 3 lower levels below, it will nonetheless be visible and adds to the character, overall height and density of the development. 4 storey development is non-existent anywhere near the Site and it is considered that including a 4 storey component in this development is contrary to the established hierarchy of commercial centres within the Pittwater LGA where 4 storey buildings are only really permitted in the main town centre at Mona Vale.

The deletion of the topmost floor of the development would reduce the extent of the variation from the development control from 56.3% down to a 22.3% variation. Whilst this would still be a fairly significant numerical variation, it is not considered that there would be any merit in deleting Level 2 as well as Level 3 to achieve compliance as it is accepted that the 3 storey built form on this site is appropriate and it is not considered that restricting the development to only 2 floors is necessarily a better planning outcome. In addition, it is noteworthy that an existing development consent is in place and could be built as an alternative to the proposed development and it is considered that the proposed development has a better level of design quality and streetscape presentation than the approved development.

In addition, the proposal exceeds the maximum density control under cl. 4.5A of PLEP 2014 (discussed below). The deletion of the topmost floor would reduce the number of bedrooms in the development and achieve a marginal yet measureable reduction in density.

For the above reasons, it is considered that the cl.4.6 submission is supportable but only subject to a condition that requires that the uppermost floor be entirely deleted.

### **Maximum Density for Certain Residential Development**

Clause 4.5A of PLEP 2014 sets a maximum density standard for the proposed development of 1 dwelling per 150sqm of site area. The area of the site is 3,277sqm which would yield a maximum dwelling density of 21.84 dwellings under the terms of this development standard.

The proposal includes a total of 34 dwellings. This represents a 55.7% variation to the development standard.

The Application has included a clause 4.6 submission addressing the above numerical non-compliance with the maximum dwelling density development standard.

The clause 4.6 submission to the density development standard has addressed the objectives of the maximum dwelling density development standard, as set out in cl.4.5A(1). In regard to the objectives, the following points are made in the cl.4.6 submission:

- It is understood that the underlying intent of the objective "to achieve planned residential density in certain zones" is to control the population density in a given area so that housing supply does not exceed demand and; controlling the built form outcome on the site; limiting external impacts including impacts on the amenity of adjoining properties. The density standard is flawed on the basis that it does not take into account the size of the dwelling.
  - It would appear that the 1 dwelling per 150sqm standard is based upon audit data for developed shop top housing in the LGA.. It would therefore appear to be a strategic planning tool for the entire LGA as opposed to being a site specific control for ascertaining an appropriate density for a building to limit associated impacts.
  - The development meets the assumed underlying intent of the objective.
  - The proposed development could be altered to comply with the density standard by making unit sizes larger within the same external building envelope.
  - The proposal is consistent with the desired future character for the Locality. It provides retail premises that will provide employment within the area and its design is appropriate in the context of surrounding development around it and it includes a high degree of articulation.
  - The variation to the density standard does not give rise to any additional impacts and the development is considered to be compatible with the area and in harmony with the streetscape.
  - The development is consistent with the objectives of the B1 Neighbourhood Centre zone.
- The clause 4.6 submission also seeks a variation on the basis that the underlying purpose of the density standard could be easily thwarted if strict numerical compliance were to be required simply by proposing 21 x 4 bed units. Such a development would comply with the standard without necessarily providing a better planning outcome.

### Planner's Assessment

Generally speaking, it is considered that all of the above arguments have merit, that the objectives and underlying intent are otherwise met notwithstanding the numerical non-compliance, with the exception of the desired built form outcomes, particularly as they relate to the resultant building height of the proposal. The development, as proposed, significantly exceeds both the density and the maximum height development standards. This is indicative that the sought-after building envelope is well beyond what these two development standards reasonably envisage.

It is accepted that the dwelling density standard, based on the maximum number of dwellings, has its shortcomings and is not as effective a tool as, for instance, a floor space ratio control would have been in controlling both building density and building envelope, given the fact that it can be so easily circumvented by increasing dwelling size. Nevertheless, this is the applicable control and it is considered that the proposal should be required to be modified by the deletion of the top floor to achieve a more acceptable built form outcome (as discussed under the height control above).

Given that Level 3 is essentially the top floor of 2 x 2 storey apartments (Units 29 & 31), the deletion of this level would not reduce the number of units in the development but it would reduce the sizes of Units 29 & 31 from a 4 bedroom apartment and a 2 bedroom apartment to 2 x 1 bedroom apartments, thus achieving a marginal but measurable reduction in density. Given that the built form is considered acceptable subject to this deletion, it is not considered necessary to delete units from the other floors of the development simply to achieve a greater level of numerical compliance. This could be achieved with an internal reconfiguration of the units and making them larger but not really fulfilling the intent of the objectives of the density standard any better than the current proposal does. It is considered that the development already satisfies the density objectives in a satisfactory manner and represents a better urban design outcome than the existing approved development.

The remnant lower floors of Units 29 & 31 on Level 2 could either be retained as 1 bedroom apartments or these areas could be integrated into adjoining apartments, thereby reducing the unit numbers. The recommended condition will be open ended in this regard to give the Applicant the option of either having these remnant portions of Units 29 and 31 being converted to 1 bedroom units or amalgamated with adjoining units.

Given the above and subject to a condition requiring the deletion of the topmost floor of the development, the cl.4.6 submission to the maximum density standard is supported.

- **3.6 State Environment Planning Policies (SEPPs) and Sydney Regional Environmental Policies (SREPs)**

**State Environmental Planning Policy No.65 - Design Quality of Residential Flat Buildings (SEPP 65)**

**DESIGN QUALITY PRINCIPLES**

Clause 30(2)(b) of SEPP 65 requires Council to take into consideration the design quality of the development when evaluated against the design quality principles of this SEPP. This assessment is provided below.

Principle 1: Context

*"Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area."*

It is considered that the proposed development, with the deletion of the top floor, responds very well to the built form character of surrounding development. It will improve the design quality and identity of the area and it will improve the vitality of this neighbourhood centre by adding to the local population.

Principle 2: Scale

*"Good design achieves an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area."*

Whilst the development does not comply with the maximum building height and maximum dwelling density development standards, even with the recommended deletion of the topmost floor of the development, it is considered that it displays a bulk and height that suits the scale of the street in this instance. It achieves a good balance in that it has a physical presence befitting a building on a corner site on a major arterial road such as Pittwater Road yet it does not display a scale that would exceed reasonable expectations of built form for a smaller neighbourhood centre.

### Principal 3: Built Form

*"Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook."*

Generally speaking, it is considered that the proposal displays an appropriate built form although the alignment to Pittwater Road should properly observe the standard front building setback for commercially zoned sites. There is no valid planning reason why the development should have a 3m front setback rather than a 3.5m front setback, as required by the relevant DCP control. This additional front setback area would provide for greater landscaping at ground level and a better integration between the development and the public domain and better spatial separation between the development and adjacent public domain infrastructure such as the bus shelter on the Pittwater Road frontage. The front setback being widened from 3m to 3.5m would facilitate the widening of the footpath under the awning of the development from 1.8m to 2.3m and improve pedestrian amenity. A 3.5m front setback more closely aligns with the front setback of the adjoining building at 1440 Pittwater Road where it shares a common side boundary with the Site.

As Walsh Street is primarily a residential street, a 3.5m front setback at the Walsh Street frontage would provide a more sympathetic transition to the larger front setbacks of residential properties further to the east and opposite the Site on Walsh Street. It is noted that the adjoining dwelling at 5 Walsh Street has a minimum 3m front setback but this is only at one point and it is not the predominant front setback on Walsh Street.

The increase in the front building setback need only occur at ground floor level but should occur on both street frontages.

An appropriate condition is recommended requiring the plans be appropriately amended prior to release of the Construction Certificate.

### Principle 4: Density

*"Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality."*

As discussed under the cl.4.6 and 4.5A density control sections of this report, the proposed density is considered to be acceptable subject to the deletion of the topmost floor.

### Principle 5: Resource, Energy and Water Efficiency

*"Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water."*

The development is considered to be satisfactory with respect to this design quality principle.

#### Principle 6: Landscape

*"Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive images and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management."*

The development is considered to be satisfactory with respect to this design quality principle.

#### Principle 7: Amenity

*"Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility."*

The development is considered to be satisfactory with respect to this design quality principle.

#### Principle 8: Safety and Security

*"Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces."*

The development is considered to be satisfactory with respect to this design quality principle.

#### Principle 9: Social Dimensions and Housing Affordability

*"Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs."*

This design quality principle is considered to have been satisfied by the proposal. Principle 10: Aesthetics

*"Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area."*

*This design quality principle is considered to have been satisfied by the proposal*

#### RESIDENTIAL FLAT DESIGN CODE

Clause 30(2)(c) of SEPP 65 requires Council to take into consideration the Residential Flat Design Code (RFDC) in its assessment of the development. An assessment of the proposal against the applicable provisions of the RFDC that are not already covered elsewhere in this report under similar DCP provisions is provided in the table below.

RFDC REF	'RULE OF THUMB' GUIDELINE	CONSISTENCY WITH GUIDELINE
<b>PART 02 SITE DESIGN</b>		
<b>Site Configuration</b>		
Deep Soil Zones	A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	<b>ALLOWABLE EXCEPTION</b>  The Site is commercially zoned and considered to be in an urban area. Opportunities for deep soil zones are limited in this context. Genuine deep soil landscaping is only achieved adjacent to the common boundary with 3 Walsh Street and in the south-eastern corner of the Site adjacent to the common boundary with 1442 Pittwater Road. These are considered to be the most sensitive areas of the Site in terms of the potential for amenity impacts arising from excessive bulk and potential amenity impacts in proximity to adjoining development. Thus, whilst 25% deep soil planting is not achieved it is considered that the deep planting provided is appropriately located and assists in ameliorating potential external impact to adjoining properties as well as providing internal amenity within the development.
<b>PART 03 BUILDING DESIGN</b>		
<b>Building Configuration</b>		
Apartment layout	Single-aspect apartments should be limited in depth to 8 metres from a window.	The majority of units comply with some minor variations for bathrooms and some kitchen areas. The variations are not considered to be significant enough to have any unacceptable amenity impacts for future residents.
	The back of a kitchen should be no more than 8 metres from a window.	The majority of units comply with some minor variations, as discussed above.

	<p>If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used.</p> <p>As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> <li>- 1 bedroom apartment 50m<sup>2</sup></li> <li>- 2 bedroom apartment 70m<sup>2</sup></li> <li>- 3 bedroom apartment 95m<sup>2</sup></li> </ul>	<b>YES</b>
Apartment Mix	Include a mixture of unit types for increased housing choice.	<b>YES</b> Subject to condition deleting top floor, the proposal will include: <ul style="list-style-type: none"> <li>- 16 x 1 bedroom units</li> <li>- 18 x 2 bedroom units</li> </ul> <b>TOTAL 34 units</b>
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	Not practical in shop top housing development
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	Corridors serve a maximum of 9 apartments. This minor variation would not justify a third lift and does not result in any anticipated significant amenity or circulation and egress issues.
<b>Building Amenity</b>		
	Sixty percent (60%) of residential units should be naturally cross ventilated.	<b>YES</b>  61% of apartments are cross ventilated.

- **4.1 Integrated Development: Water Supply, Water Use and Water Activity**

As the proposed excavation works will intercept the groundwater table the development is integrated development requiring referral to the Office of Water. This referral was carried out and the Office of Water have provided their General Terms of Approval which will be added as conditions to the recommended consent.

- **B2.6 Dwelling Density and Subdivision - Shop Top Housing**

Section B2.6 of PDCP 21 requires that the floor space of the commercial component of the development be equivalent to 25% of the gross floor area of the development.



The gross floor area of the development is 3,928sqm which would require a commercial component of 982sqm.

The Proposal provides a commercial component of 957sqm or 24.4% of the GFA..

It is noted that the shortfall of commercial floor space amounts to 25sqm which is considered to be a relatively minor numerical non-compliance. Furthermore, with the recommended deletion of the topmost floor, the GFA of the development would be reduced to 3,751sqm which would require a commercial component of 937.75sqm.

Thus, the deletion of the topmost floor results in the development complying with the minimum commercial floor space requirement..

- **B3.6 Contaminated Land and Potentially Contaminated Land**

The Application is supported by a Preliminary Stage 1 Environmental Site Assessment and Acid Sulphate Soil Assessment report which has identified levels of asbestos within the soils of the site and concluding that these soils will need to be removed and remediated where necessary. The report makes a series of recommendations regarding the necessary remediation works and concludes that the site will be suitable for the proposed shop top housing development provided that the recommendations are implemented.

The recommendations of this report will be required to be implemented as a condition of consent.

- **B3.13 Flood Hazard - Flood Category 1 - Low Hazard - Shop Top Housing, Business and Industrial Development**

A Flood Report was submitted as part of this application – ‘Proposed shop top housing development – 1442-1444 Pittwater Road, North Narrabeen – Flood Study Report – Issue 2, dated 2 July 2014, by S&G Consultants Pty Ltd’.

The existing site conditions for the site are

For current climatic conditions:

- 1% AEP WL – 3.0mAHD
- 1% AEP Velocity - 0.1m/s
- PMF – 4.85m AHD
- PMF Velocity – 0.7m/s
- FPL – 3.5mAHD

For intensification of development (including climate change) the following is applicable at the site:

- CC 1% AEP WL – 3.89mAHD
- CC 1% AEP Velocity – 0.3m/s
- **CC FPL – 4.39mAHD**
- CC PMF - 5.3mAHD

As the site is increasing the commercial or retail floor space then the climate change levels apply to this development, under the B3.23 control.

The site is located in flood fringe.

The Flood Report submitted has demonstrated compliance with the flood controls,

- **B4.5 Landscape and Flora and Fauna Enhancement Category 3 Land**

The property contains a modified landscape with a commercial building and hardstand parking area. The proposed works include demolition of the existing building and construction of a multi-level mixed use development with retail shops and residential apartments. An arborist report has been submitted (All About Trees, 11 June 2014) which assesses nine (9) trees potentially impacted by the proposed works. All nine (9) trees require removal to accommodate the proposed works. One (1) tree on the road reserve (Tree 6) has been proposed for removal. Comments from Council's Tree Preservation Officer have been included in the landscaping comments. All proposed tree removal is approved. New landscaping has been proposed for the ground and first floor area (A Total Concept, L/01 and L/02, 3/6/14). Proposed plantings for the rear of the block on the ground floor and first floor levels are acceptable. Council's Landscape Architect has provided comments separately for the street frontage plantings including street tree replacement. There are no further natural resource issues.

- **B6.6 Off-Street Vehicle Parking Requirements - All Development other than Low Density Residential**

Section B6.6 of PDCPP 21 sets out the following on-site parking and servicing requirements for the proposed development:

Total required parking of 98 car spaces including: 32 retail parking spaces required, together with adequate loading space and a minimum of 1 disabled space and; 66 residential spaces including 12 visitor spaces and provision for removalist/emergency/garbage vehicles. Minimum of 2 residential disabled parking spaces.

The on-site parking provided in the proposal provides a total of 94 parking spaces including the following:

27 retail parking spaces provided including 1 disabled space.

67 residential car spaces provided including 13 visitor spaces, 9 disabled spaces and 1 combined visitor space / wash bay.

In addition, 12 bicycle parking spaces are provided.

The above parking provision results in a parking shortfall of 5 retail spaces and an oversupply of 1 residential space.

The 'Assessment of Parking and Traffic Implications' report dated July 2014 and prepared by Transport and Traffic Planning Associates proposes to enhance the proposed retail parking component on the ground floor by 'pooling' or sharing residential visitor car spaces on the basement level. It is argued that this provides desirable flexibility as peak parking demand period for these uses generally do not coincide and it is a normal outcome in mixed use developments. However, this proposal to pool the car residential visitor spaces for use by the retail tenancies is not supported as it is not considered that the retail parking shortfall of 5 spaces is so significant that it will generate any perceivable external impact on the demand for on-street parking in the surrounding area. Furthermore, it would defeat the opportunity to achieve good security access separation between the commercial parking and the residential parking components, which is always desirable to achieve for a larger mixed use development of this nature.

A condition is recommended that restricts the retail parking to the ground floor and the residential component to the basement floor with security access controlled by residents via an intercom system to allow residential visitors to access the basement parking level. This condition has been worded to reflect the slightly lower residential parking requirement that would result from the recommended deletion of the uppermost floor (ie 2 spaces less than the 67 residential spaces required).

- **B8.1 Construction and Demolition - Excavation and Landfill**

An objection from the Body Corporate of the adjoining development at 1440 raises concern over the potential impacts of the proposed excavation on their property. They have requested that a dilapidation report be prepared. This is recommended as a condition. Other conditions have also been suggested by the objector including that the basement level be constructed as a tanked structure and that monitoring wells be installed to monitor ground water conditions throughout the construction process. To the extent that the Applicant's project engineer has agreed to such conditions, these have been incorporated in the draft consent. A request for a groundwater bypass system was not agreed to by the Applicant as the need for this would be identified following groundwater modelling investigation. All suggested conditions that were either considered to be reasonable or were agreed to by the Applicant have been included in the draft consent.

- **C1.5 Visual Privacy**

The development is considered to have been sensitively designed to address potential visual privacy issues with the one exception. The rear terrace to Unit 1 on Level 1 is immediately adjacent to a balcony to the adjoining development at 1440 Pittwater Road on its southern edge. This is the result of this adjoining development building balconies abutting the common boundary with the Site. A planter box is proposed along this southern edge but not for its entire length. In order to prevent people standing at the southern edge of this terrace and overlooking this adjoining balcony, it is considered that the planter box should be continued along the full southern edge of this rear terrace. In order to accommodate this, it may be necessary for the main bedroom and ensuite to Unit 1 be flipped around.

This matter can be conditioned to require the plans be amended prior to the release of the Construction Certificate.

- **C1.6 Acoustic Privacy**

The Application was accompanied by an acoustic report in order to ensure that the development would satisfy the requirements of State Environmental Planning Policy (infrastructure) 2007 regarding the acoustic insulation of units against traffic noise (cl.102 of the SEPP). It also addresses the potential of the development to generate noise from proposed plant and equipment.

The report concludes that, subject to compliance with the recommendations in section 4 of this report, the development will meet relevant requirements. A condition is recommended requiring that design and construction and installation of plant equipment be in accordance with the recommendations of this report.

- **C1.24 Public Road Reserve - Landscaping and Infrastructure**

The Application was referred to Council's Landscape Architect who made the following comments:

*"The Landscape Plan proposal in its current form is not supported and requires amendment to provide additional design to the streetscape presentation.*

*The level of documentation shall comply with DCP21 - Appendix 9: Landscape and Vegetation Management.*

*The following specific items shall be addressed on the Landscape Plan:*

*Retention of Street Trees along Pittwater Road*

*2 x existing Tristaniopsis laurina trees planted with the verge shall be retained and protected. Temporary construction fencing shall be placed around the trees for the duration of the works.*

*This shall be documented on the Landscape Plan.*

*Additionally, the applicant shall maintain the condition of the street trees by fertilising and watering, for the duration of the works.*

#### Landscape Treatment to frontages of Pittwater Road and Walsh Street

*The Landscape Plan, along the Walsh Street and Pittwater Road front setbacks, nominates a narrow garden bed strip with low height planting and lawn.*

*This proposal is an inadequate landscape treatment to frontages for a development of this scale, and will establish a physically and visually dominant building to the streetscape.*

*To provide a balanced streetscape of vegetation and building as required by DCP 21 - Appendix 9: Landscape and Vegetation Management, the proposed lawn areas shall be removed and replaced with full width garden areas to the frontages, to soften the appearance of the building to the streetscape. The garden bed frontages shall be planted with a combination of indigenous tall shrubs including *Banksia integrifolia*, low shrubs including *Banksia* and *Callistemon*, and groundcovers. At least 60% of the garden areas shall consist of indigenous species.*

#### New Street Tree Planting with Verge

*Insufficient street tree planting is proposed on the Landscape Plan, and the following requirement shall be documented to provide streetscape amenity:*

*Pittwater Road:*

*4 x *Tristaniopsis laurina* shall be planted to compliment the existing 2 x *Tristaniopsis laurina*. These shall be planted at 200 litre size.*

*Walsh Street:*

*the proposed 1 x *Melaleuca quinquenervia* is not suitable for planting under existing powerlines, and shall be replaced on the Landscape Plan with 2 x *Tristaniopsis laurina*. These shall be planted at 200 litre size.*

*All street trees shall be planted to match the alignment of the existing street trees, subject to confirmation of the locations of existing underground services by the applicant. Council shall inspect planting holes prior to installation.*

*Planting holes shall be a minimum of 700mm depth x 2.0 metres wide, and shall consist of the following backfilled material: 100% sandy loam, followed by a 100mm depth top layer of organic humus mix, and a 75mm coarse mulch layer.*

*All tree stock installed shall be certified from the supply Nursery that the trees are compliant to Natspec's 'Specifying Trees: a guide to assessment of tree quality'.*

#### Planner's Comment

It is considered that the above requirements are able to be conditioned. Accordingly, these requirements have been included as conditions in the recommended draft determination.

- **D14.8 Side and rear building line**

The proposed side and rear setbacks of the development are as follows:

Side setback to 3 Walsh Street at basement level 2m, ground level variable between 2.03m and 7.6m, 4.115m to 6.34m at Level 1, 13m minimum at Level 2.

Side (southern) setback to 1442 Pittwater Rd nil at Basement, Ground, Level 1 & Level 2.

Rear (eastern) setback to 1440 Pittwater Rd: Nil at Basement & Ground Level, 5.8m to balcony edge and 8.42m to 9.42m to external wall at Level 1 and, 6.82m to balcony edge and 9.4m to external wall at Level 2.

Thus, the proposal does not strictly comply with the 3m side setback required under section D14.8 to No.3 Walsh Street.

Whilst the Basement Level and Ground Floor Level side setbacks to 3 Walsh Street are less than the required 3m minimum, it is noted that the impacts of this non-compliance are not significant and, given that the upper floors exceed the minimum requirement, the portions of non-compliance within the development would not have an impact any different to that of the external walls of a dwelling-house, given the single storey nature of the non-complying element.

Given the above, the proposed non-compliance is supportable.

The nil setbacks to 1440 Pittwater Road are permitted under the DCP and it is noted that the design of the development is very sensitive to the interface between it and the adjoining development at 1440 Pittwater Road.

## **9.0 CONCLUSION**

The Development Application has been assessed in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, Pittwater Local Environmental Plan, Pittwater 21 Development Control Plan and other relevant policies as listed at item 3.0.

The development proposal is considered to display a high level of design quality that would represent an improvement compared to the development already approved on this Site. Non-compliances relating to the density, building height, parking and side setbacks are all considered to be supportable in the circumstances. It is considered necessary to restrict the height of the development by deleting the uppermost floor and restricting the development to 3 storeys. Subject to this modification, the development is considered to be worthy of approval.

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## **RECOMMENDATION OF DEVELOPMENT OFFICER/PLANNER**

Report prepared by

Gordon Edgar  
**EXECUTIVE PLANNER**

Date: 4 March 2015

# DRAFT

**CONSENT NO: N0303/14  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED)  
NOTICE TO APPLICANT OF DETERMINATION  
OF A DEVELOPMENT APPLICATION**

Applicant's Name and Address:  
TREND LIVING PTY LTD  
PO BOX 600  
SPIT JUNCTION NSW 2088

Being the applicant in respect of Development Application No N0303/14

Pursuant to section 80(1) of the Act, notice is hereby given of the determination by Pittwater Council, as the consent authority, of Development Application No **N0303/14** for:

**Demolition of existing structures and the construction of a 2, 3 and 4 storey shop top housing development comprising ground level retail and parking and 34 residential apartments over basement parking**

**At: 1442 PITTWATER ROAD, NORTH NARRABEEN NSW 2101 (Lot 100 DP 606248)**

**Decision:**

The Development Application has been determined by the granting of consent based on information provided by the applicant in support of the application, including the Statement of Environmental Effects, and in accordance with

**Architectural plans numbered DA00 Issue A dated 15/07/14, DA01 Issue B dated 15/07/14, DA02 Issue H dated 15/07/14, DA03 Issue J dated 15/07/14, DA04 Issue H dated 15/07/14, DA05 Issue H dated 15/07/14, DA06 Issue H dated 15/07/14, DA07 Issue H dated 15/07/14, DA08 Issue F dated 15/07/14, DA09 Issue G dated 15/07/14, DA10 Issue F dated 15/07/14, all drawn by PBD Architects.**

**Landscape plans numbered L01 and L02, all Revision A, dated 08/07/14 and drawn by A Total Concept.**

**Stormwater Concept design plans numbered SW02 Revision B dated 18/07/14, SW03 Revision B dated 18/07/14, SW04 Revision B Dated 18/07/14, SW05 Revision B dated 18/07/14, SW06 Revision A dated 2/07/14, SW07 Revision A dated 2/07/14, all drawn by S & G Consultants Pty Ltd.**

**SEPP 65 Design Verification Statement dated July 2014 and prepared by PBD Architects. Arboricultural Impact Assessment Report dated 11 June 2014 and prepared by All About Trees.**

**Flood Study Report dated 2 July 2014 and prepared by SGC Consultants Pty Ltd.**

**Geotechnical Investigation report dated 11 July 2014 and prepared by JK Geotechnics.**

**Preliminary Stage 1 Environmental Site Assessment and Acid Sulphate Soil Assessment report dated 8 July 2014 and prepared by Environmental Investigation Services.**

**Assessment of Traffic and Parking Implications report dated July 2014 and prepared by Transport and Traffic Planning Associates.**

**Acoustic Assessment report dated 9 July 2014 and prepared by Acoustic Logic.**

**BASIX Report dated 18 July 2014 and prepared by Efficient Living Pty Ltd.**

**BCA Compliance report dated 1 July 2014 and prepared by Building Code Assistance.**

**Waste Management Plan dated June 2014 and prepared by PBD Architects.**

**Communications Plan dated July 2014 and prepared by Urban Concepts.**

as amended in red (shown clouded) or as modified by any conditions of this consent.

The reason for the imposition of the attached conditions is to ensure that the development consented to is carried out in such a manner as to achieve the objectives of the Environmental Planning and Assessment Act 1979 (as amended), pursuant to section 5(a) of the Act, having regard to the relevant matters for consideration contained in section 79C of the Act and the Environmental Planning Instruments applying to the land, as well as section 80A of the Act which authorises the imposing of the consent conditions.

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Endorsement of date of consent \_\_\_\_\_

Mark Ferguson  
GENERAL MANAGER  
Per:

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## Conditions of Approval

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate.

Note: Persons having the benefit of development consent may appoint either a council or an accredited certifier as the principal certifying authority for the development or for the purpose of issuing certificates under Part 4A of the Environmental Planning and Assessment Act. When considering engaging an accredited certifier a person should contact the relevant accreditation body to ensure that the person is appropriately certified and authorised to act in respect of the development.

### A. Prescribed Conditions:

1. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
2. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
3. A sign must be erected in a prominent position onsite only showing:
  - a) the name, address and telephone number of the Principal Certifying Authority for the work, and
  - b) the name of the principal contractor or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - c) that unauthorised entry to the work site is prohibited.The sign must to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
  - a) in the case of work for which a principal contractor is required to be appointed:
    - i) The name and licence number of the principal contractor, and
    - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
  - b) in the case of work to be done by an owner-builder:
    - i) The name of the owner-builder, and
    - ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
  - c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under a or b above becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information
5. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.



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6. If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a) Protect and support the adjoining premises from possible damage from the excavation, and
  - b) Where necessary, underpin the adjoining premises to prevent any such damage
  - c) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavation.
  - d) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

## **B. Matters to be incorporated into the development and maintained over the life of the development:**

1. The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.
2. The following conditions have been issued by the NSW Office of Water:
  - (a) An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
  - (b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
  - (c) Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
3. If any Aboriginal Engravings or Relics are unearthed all work is to cease immediately and the Aboriginal Heritage Office (AHO) and Office of Environment and Heritage (OEH) are to be notified.
4.
  - a) All structural elements below the Flood Planning level shall be of flood compatible materials.
  - b) All structures must be designed and constructed to achieve low risk of damage and instability due to flood hazard.
  - c) All foundation structures, where the floor level is greater than 500mm above the existing ground level are to incorporate a suspended floor on open pier/pile footings to allow the flow of surface water and flood storage.
  - d) All electrical equipment, wiring, fuel lines or any service pipes and connections must be waterproofed to the Flood Planning level.

# DRAFT

- e) The storage of toxic or potentially polluting goods, materials or other products which may be hazardous or pollute floodwaters is not permitted below the Flood Planning level.
- 5. The minimum floor level shall be at or above the Flood Planning level.
- 6.
  - All building material below the FPL (4.39m AHD) shall be made of flood compatible materials, and
  - Prior to issuing a construction certificate an updated Flood Risk Management report is to be submitted to Council, which outlines:
    - o That the proposed development will not cause adverse impacts on surrounding properties in the PMF event, and
    - o Clarification that the 1% AEP referred to in the Flood Report includes climate change considerations of 0.9m Sea Level Rise/ 30% Rainfall intensity), and
    - o A Flood Emergency Response plan for the development which incorporates:
      - § How the design of the proposed development safely provide for flood emergency responses for its occupants and visitors for the whole range of flooding events that could occur at the site?
      - § Has the additional risk factors associated with Special Flood Protection development been considered by the proposed flood emergency responses?
      - § Have SES requirements and the limitations of relying on emergency services been considered in the proposed flood emergency responses?
      - § Can the development provide safe evacuation routes that are flood free up to the PMF from all ground and floor levels including from car parking areas?
      - § Where are flood egress routes and safe flood refuge areas (on or off site) and what facilities are provided?
      - § If vertical refuge is being relied upon, has there been demonstration that the structural integrity of the refuge area/building can withstand the hydraulic forces of the PMF flood event?
      - § Information provided to quantify the flood evacuation response procedure, such as time to first inundation and peak water levels, duration of flooding, available response times?
      - § How the flood emergency responses be triggered and communicated over the life of the proposed development?
      - § What the details of any site-specific draft flood emergency response strategies/actions proposed for the development?
      - § If the flood emergency response strategies/actions reliant on mechanical or human intervention and how will they perform if there are system failures or failure to act?
  - The 'Proposed shop top housing development – 1442-1444 Pittwater Road, North Narrabeen – Flood Study Report – Issue 2, dated 2 July 2014, by S&G Consultants Pty Ltd' or its subsequent update shall apply for the life of the development, and
  - Appropriate signage is to be displayed throughout the proposed development to alert people to the flood risk, flood evacuation routes and evacuation plan, and

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7. Prior to the completion of works, all declared noxious weeds are to be removed/controlled in accordance with the Noxious Weeds Act 1993. Environmental weeds are to be removed and controlled. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for noxious/environmental weed lists.
8. No environmental weeds are to be planted on the site. Refer to Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/noxious\\_weeds](http://www.pittwater.nsw.gov.au/environment/noxious_weeds) for environmental weed lists.
9. Domestic pet animals are to be kept from entering wildlife habitat areas at all times. Dogs and cats are to be kept in an enclosed area or on a leash such that they cannot enter areas of bushland, unrestrained, on the site or on surrounding properties or reserves. Ferrets and rabbits are to be kept in a locked hutch/run at all times.
10. Any vegetation planted onsite outside approved landscape zones is to be consistent with locally native species growing onsite and/or selected from the list pertaining to the vegetation community growing in the locality as per the vegetation mapping and Native Plants for Your Garden available on the Pittwater Council website [http://www.pittwater.nsw.gov.au/environment/species\\_lists](http://www.pittwater.nsw.gov.au/environment/species_lists)
11. The Stormwater Harvesting and Reuse Scheme shall be installed and operated in accordance with the accepted BASIX certificate.
12. As part of the integrated stormwater management plan, suitably positioned stormwater quality improvement devices shall be installed and operated in accordance with Manufacturer's Specifications and associated operational guidelines.
13. The internal driveway is to be constructed to an all weather standard finish to be of dark or earthy tones, linemarked and signposted.
14. To satisfy the off-street vehicle parking requirements for the development, the minimum number of vehicle space requirements shall be as follows:
  - a) Residential Parking: a minimum of 65 residential vehicle spaces are to be provided in the basement level car park including a minimum of 12 residential visitor spaces and a minimum of 2 disabled spaces. The basement car parking level is to only cater for residential parking requirements and be securely separated from the retail parking level on the ground floor using a security gate and intercom access controlled by residents to monitor and allow access for residential visitors to the basement parking level. A car wash bay and adequate space for removalist vans, emergency vehicles and garbage collection trucks(if required at this level) are also to be provided in the basement level.
  - b) Retail Parking: a minimum of 27 retail parking spaces are to be provided in the ground level parking area with a minimum of 1 disabled parking space being provided and a loading bay. Retail parking is to be restricted to the ground floor parking level.

These spaces are to be provided and retained over the life of the development.

15. In accordance with Pittwater Councils DCP Control B4.22 Protection of Trees and Bushland Vegetation, all existing trees as indicated in the Survey Plan and/or approved Landscape Plan shall be retained except where Council's prior written consent has been obtained, for trees that stand within the envelope of approved development areas and removal is approved through an arborist report. For all other tree issues not related to a development application, applications must be made to Council's Tree Management Officers.

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16. Suitable arrangements are to be made for secure postal delivery service to the site. This can be achieved by following the Australia Post Terms and Conditions Appendix 2 Street mail service - conditions of delivery. A copy of the Terms and Conditions may be obtained from Australia Post or its website.
17. The development is to include a minimum number of 9 units at the rate and class as required under the Accessibility Control and in compliance with the requirements of AS 4299 - *Adaptable Housing*.
18. Unless specifically approved through development consent no mesh enclosing of the car parking spaces of any kind will be permitted.
19. All carparking facilities and driveway profiles, for adaptable and accessible housing, from the street to the on site car parking spaces for the adaptable apartments must comply with AS/NZS 2890.1:2004 Parking facilities - Off-street car parking
20. Garbage enclosures/stores shall be provided and maintained in accordance with the following:
  - a) A separate room or an appropriately constructed area is to be provided for the storage of garbage and recyclables.
  - b) The walls of the enclosure shall be cement rendered and steel trowelled to a smooth, even surface.
  - c) The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room/enclosure.
  - d) Stormwater shall not enter the floor of the garbage enclosure such that the sewer system may be contaminated by rainwaters.
  - e) Garbage and recycling rooms shall be vented to the external air by natural or artificial means. The installation and operation of the mechanical ventilation system shall comply with AS 1668, Parts 1 & 2.
  - f) The room used for the storage and washing down of garbage and recycling receptacles shall be constructed of solid material (brick, concrete blocks, structural fibrous cement or similar homogeneous material) so as to prevent the formation of cavities which become possible harborages for insects and vermin. Framing in timber is not permitted.
  - g) The garbage and recycling room shall be made vermin proof.
  - h) Hot and cold water hose cocks shall be located within a garbage enclosure or in close proximity to Councils satisfaction.
  - i) The enclosure shall be of adequate size to accommodate the following bins numbers and capacity per dwelling:
    - i) 80 litres per household per week of garbage, and
    - ii) 70 litres per household per week of paper recyclables, and
    - iii) 70 litres per household per week of container recyclables.

The residential waste and recycling enclosure is to be physically separated from the commercial waste and recycling enclosure.
21. Noise from the operation of any plant or equipment at the premises shall comply with the noise provisions of the Protection of the Environment Operations Act, 1997.
22. No odour nuisance to the public or any adjoining premises, shall be created by the operation of any plant or equipment or any procedure carried out at the premises.
23. No emissions causing air pollution shall be created by the operation of any plant equipment or any procedure carried out at the premise.

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24. The operation of any plant or equipment or any procedure carried out at the premises shall not cause land pollution.
25. All utility services including overhead power supply and communication cables located in the adjacent road verge & those to service the development are to be placed and/or relocated underground for the total frontage of the development site to any public road at the full cost to the developer.
26. Materials and colour are to be in accordance with the sample scheme approved by Council.

## **C. Matters to be satisfied prior to the issue of the Construction Certificate:**

Note: All outstanding matters referred to in this section are to be submitted to the accredited certifier together. Incomplete Construction Certificate applications / details cannot be accepted.

1. Submission of construction plans and specifications and documentation which are consistent with the approved Development Consent plans, the requirements of Building Code of Australia and satisfy all conditions shown in Part B above are to be submitted to the Principal Certifying Authority.
2. The Principal Certifying Authority must be provided with a copy of plans that a Quick Check agent/Sydney Water has stamped before the issue of any Construction Certificate.
3. The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the *Sydney Water Act, 1994*. A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Private Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

4. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000:
  - a) after excavation for, and prior to the placement of, any footings, and
  - b) prior to pouring any in-situ reinforced concrete building element, and
  - c) prior to covering of the framework for any floor, wall, roof or other building element, and
  - d) prior to covering waterproofing in any wet areas, and
  - e) prior to covering any stormwater drainage connections, and
  - f) after building work has been completed and prior to any occupation certificate being issued in relation to the building.

To allow a Principal Certifying Authority to carry out critical stage inspections, at least 48 hours notice must be given before building work is commenced and prior to further work being undertaken.

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5. A contribution of \$306,000 is to be made to Cashier Code SOPS, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Embellishment of Open Space, Bushland and Recreation in accordance with Section 94 Contributions Plan No.2. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.

Where rates payable under Section 94 Contributions Plan No 2 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

6. A contribution of \$68,000 is to be made to Cashier Code SLEL, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Public Library Services in accordance with Section 94 Contributions Plan No.3. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
7. A contribution of \$119,000 is to be made to Cashier Code SCSF, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for Community Services Facilities in accordance with Section 94 Contributions Plan No.18. The Contributions Plan may be inspected at Pittwater Council, No 1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.
8. A contribution of \$170,000 is to be made to Cashier Code SVSS, pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979* (as amended), for providing improved Village Streetscapes in accordance with Section 94 Contributions Plan No.19. The Contributions Plan may be inspected at Pittwater Council, No1 Park Street, Mona Vale. The Section 94 contribution is to be paid prior to issue of the Construction Certificate.

Where rates payable under Section 94 Contributions Plan No 19 are reviewed and varied, the applicant is to pay the contribution rate as specified in the plan as it exists at the time of contribution.

9. Revised architectural drawings are to be submitted with the application for the Construction Certificate and checked by the Principal Certifying Authority prior to release of the Construction Certificate to ensure that the plans indicate on all relevant drawings that the topmost habitable level of the development indicated as "Level 3" and with a finished floor level of RL 14.190 is deleted. This condition has been imposed in order to reduce the bulk and scale of the development and achieve a closer level of compliance with the maximum building height and maximum dwelling density development standards. The remnant portions of Units 29 and 31 on Level 2 may either be converted to 1 bedroom apartments with similar footprints to Units 28 and 32 or, these remnant portions may be amalgamated with adjoining units.
10. Revised architectural drawings are to be submitted with the application for the Construction Certificate and checked by the Principal Certifying Authority prior to release of the Construction Certificate to ensure that the plans indicate on all relevant drawings that the front building setback of the development at ground floor level is 3.5m. This condition has been imposed in order to ensure the compliance of the development with the applicable minimum front building setback control, improve the relationship between the development and the public domain, enhance the streetscape and improve pedestrian amenity.
11. The following condition is imposed by the Office of Water and is to be fulfilled following the completion of excavation works:
  - (a) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

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12. Retention of Street Trees along Pittwater Road

2 x existing *Tristaniaopsis laurina* trees planted with the verge shall be retained and protected. Temporary construction fencing shall be placed around the trees for the duration of the works. Relevant detail is to be included in an amended Landscape Plan prior to release of the Construction Certificate.

13. The landscape plan is to be amended prior to release of the Construction Certificate and as detailed below:

- Landscape Treatment to frontages of Pittwater Road and Walsh Street

To provide a balanced streetscape of vegetation and building as required by DCP 21 - Appendix 9: Landscape and Vegetation Management, the proposed lawn areas shall be removed and replaced with full width garden areas to the frontages, to soften the appearance of the building to the streetscape. The garden bed frontages shall be planted with a combination of indigenous tall shrubs including *Banksia integrifolia*, low shrubs including *Banksia* and *Callistemon*, and groundcovers. At least 60% of the garden areas shall consist of indigenous species.

- New Street Tree Planting with Verge

Insufficient street tree planting is proposed on the Landscape Plan, and the following requirement shall be documented to provide streetscape amenity:

*Pittwater Road:*

4 x *Tristaniaopsis laurina* shall be planted to compliment the existing 2 x *Tristaniaopsis laurina*. These shall be planted at 200 litre size.

*Walsh Street:*

The proposed 1 x *Melaleuca quinquenervia* is not suitable for planting under existing powerlines, and shall be replaced on the Landscape Plan with 2 x *Tristaniaopsis laurina*. These shall be planted at 200 litre size.

All street trees shall be planted to match the alignment of the existing street trees, subject to confirmation of the locations of existing underground services by the applicant. Council shall inspect planting holes prior to installation.

Planting holes shall be a minimum of 700mm depth x 2.0 metres wide, and shall consist of the following backfilled material: 100% sandy loam, followed by a 100mm depth top layer of organic humus mix, and a 75mm coarse mulch layer.

All tree stock installed shall be certified from the supply Nursery that the trees are compliant to Natspec's 'Specifying Trees: a guide to assessment of tree quality'.

14. The basement structure is to be designed as a tanked structure. If it is identified as required by the project engineer following groundwater modelling investigation, a groundwater by-pass system shall be installed to limit the impacts of the Aquifer Interference below 1440 Pittwater Road. Detailed design drawings are to be submitted with the application for the Construction Certificate.

15. Engineering details showing the stormwater quality treatment system are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified practicing Water Engineer with corporate membership of the Institute of Engineers Australia (MIE Aust), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B5.10 of Pittwater 21 DCP.

# DRAFT

16. Drainage plans including specifications and details showing the site stormwater management are to be submitted to the Accredited Certifier with the Construction Certificate application. Such details are to be accompanied by a certificate from (as appropriate) either a Licensed plumber or qualified practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a Corporate member and has appropriate experience and competence in the related field, that the stormwater management system complies with the requirements of section 3.1.2 Drainage of the Building Code of Australia Housing Provision and AS/NZS 3500.3.2 - Stormwater Drainage. The details shall include disposal of site stormwater (if the site is in a known slip area the stormwater disposal system must comply with the recommendations of a Geotechnical Engineers Report).

Note: Where Council is the Principal Certifying Authority 3 sets of plans/specifications are to be submitted.

17. Plans and details demonstrating that the following issues have been addressed are to be submitted to the Accredited Certifier with the Construction Certificate application.
  - a) Driveway profiles must be obtained from Council for all access driveways across the public road verge to road edge. The driveway profiles provided by Council must be incorporated into and attached to design plans for the access driveway and internal driveway.
  - b) A Deed of Agreement indemnifying Council must be entered into for construction of a cosmetic access driveway across the public road verge (i.e. other than a plain concrete finish).
  - c) All construction of the access driveway across the public road verge must be undertaken by a Council authorised contractor.
  - d) Councils Fees and Charges apply to driveway profiles and Deed of Agreement for Access Driveway.
18. Applicants will be required to obtain prior to the issue of a Construction Certificate, a Section 139 Consent for Works on a Public Road Reserve issued by the Council under the provisions of Section 138 of the Roads Act 1993 for the design and construction of any works located on the road reserve including Access Driveways.
19. Civil engineering details of the proposed excavation/landfill are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Each plan/sheet is to be signed by a qualified practising Civil Engineer who has corporate membership of the Institution of Engineers Australia (M.I.E) or who is eligible to become a corporate member and has appropriate experience and competence in the related field.
20. Prior to issue of the Construction Certificate, Form 2 of the Geotechnical Risk Management Policy for Pittwater (Appendix 5 of P21 DCP) is to be completed and submitted to the Accredited Certifier.
21. The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public and private properties and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties including 1440 Pittwater Road and 3 Walsh Street.
22. The planter box on the southern edge of the rear terrace to Unit 1 is to continue along the full length of the southern edge of this terrace to prevent overlooking of the adjoining balcony. Relevant detail is to be provided on the architectural plans prior to release of the Construction Certificate.
23. The design, construction and insulation of the development as well as installation of plant equipment is to be in accordance with the recommendations of section 4 of the Acoustic Assessment report dated 9/07/2014 and prepared by Acoustic Logic.



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The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS2107:2000 Recommended design sound levels and reverberation times for building interiors. Written endorsement of compliance with these requirements must be obtained from an appropriately qualified person.

24. A certificate (from a suitably qualified access advisor) that design details and specifications meet the Disability (Access to Premises - Buildings) Standards and BCA must be submitted to the Principal Certifying Authority with the Construction Certificate application.

## **D. Matters to be satisfied prior to the commencement of works and maintained during the works:**

Note: It is an offence to commence works prior to issue of a Construction Certificate.

1. All recommendations as written in the Acid Sulphate Soil Assessment and Management Plan (Environmental Investigation Services, 8 July 2014) are to be undertaken in accordance with the report and within timeframes specified.
2. The hours of construction are restricted to between the hours of 7.00am and 5.00pm Monday - Friday and 7.00am to 1.00pm on Saturdays. No works are to be carried out on Sundays or Public Holidays. Internal building work may be carried out at any time outside these hours, subject to noise emissions from the building or works not being audible at any adjoining boundary.

Note: This condition does not apply in relation to Crown building work that is certified, in accordance with Section 116G of the Act, to comply with the technical provisions of the States building laws.

3. Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-2001 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- a) Protection of site workers and the general public.
- b) Erection of hoardings where appropriate.
- c) Asbestos handling and disposal where applicable.
- d) Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

4. The following conditions have been issued by the NSW Office of Water and are to be satisfied prior to excavation taking place:
  - (a) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.

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- (b) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
  - (c) A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
  - (d) Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
  - (e) The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
  - (f) Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the *Protection of the Environment Operations Act 1997* [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.
5. The following conditions have been imposed by the Office of Water and are to be fulfilled during excavation works:
- (a) Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.
  - (b) Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
  - (c) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
  - (d) Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
  - (e) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

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(f) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.

(g) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures

## 6. Retention of Street Trees along Pittwater Road

2 x existing *Tristaniopsis laurina* trees planted with the verge shall be retained and protected. Temporary construction fencing shall be placed around the trees for the duration of the works. Additionally, the applicant shall maintain the condition of the street trees by fertilising and watering, for the duration of the works.

7. At least 5 survey monitoring points are to be established on the northern and western walls of the adjoining building at 1440 Pittwater Road prior to the commencement of construction. At least 2 monitoring surveys of these points are to be undertaken prior to the commencement of construction, with the results of the monitoring surveys being provided to the owners of 1440 Pittwater Road and provided in co-ordinates referenced to the Map Grid of Australia 1994 and the Australian Height Datum.

2 groundwater monitoring wells are to be established around the adjoining building at 1440 Pittwater Road prior to the commencement of construction works. Monitoring of these wells is to occur at least 2 months prior to the commencement of construction and through until at least 3 months after the completion of the tanked basement.

8. Sampling, testing and remediation (if required) of contaminants within the site, as identified in the contamination assessment report prepared by Environmental Investigation Services and dated 8 July 2014 is to be carried out in accordance with the recommendations of this report, EPA guidelines and the requirements of SEPP 55 - Remediation of Land. Satisfactory completion of this work is to be confirmed in writing to the Private Certifying Authority by a suitably qualified independent consultant.
9. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
10. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
11. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.
12. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site.
13. Sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
14. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
15. Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on site, recycling or where re-use or recycling is not practical, disposal at an appropriate authorised waste facility.

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All waste dockets and receipts regarding demolition, excavation and construction waste are to be retained on site to confirm which facility received the material for recycling or disposal.

The ongoing operation of Recycling and Waste Management Services is to be undertaken in accordance with the Waste Management Plan.

16. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
17. No works are to be carried out in Council's Road Reserve without the written approval of the Council.
18. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Council's Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
19. No skip bins or materials are to be stored on Council's Road Reserve.
20. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
21. A clearly legible *Site Management Sign* is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
  - a) The builder's name, builder's telephone contact number both during work hours and after hours.
  - b) That no works are to be carried out in Council's Road Reserve without the written approval of the Council.
  - c) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
  - d) That no skip bins or materials are to be stored on Council's Road Reserve.
  - e) That the contact number for Pittwater Council for permits is 9970 1111.
22. All construction in the public road reserve must be undertaken by a Council authorised contractor.
23. A satisfactory construction traffic management plan (CTMP) prepared by a suitably qualified traffic consultant is required to be submitted to the Private Certifying Authority prior to the commencement of any site works. The plan is to detail:
  - a) Quantity of material to be transported
  - b) Proposed truck movements per day
  - c) Proposed hours of operation
  - d) Proposed traffic routes, noting that 3 tonne load limits apply to some roads within